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UNIVERSITY OF OKLAHOMA BULLETIN

THE OPEN SHOP



Issued Semi-Monthly By
THE UNIVERSITY OF OKLAHOMA
Norman, Oklahoma

NEW SERIES NO 224.

EXTENSION NO. 64

SEPTEMBER 15, 1921

UNIVERSITY OF OKLAHOMA
BULLETIN

THE OPEN SHOP

RESOLVED:

That the policy of the Open Shop should be
• adopted in the United States.

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JUL 30 1923

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FOREWORD

This pamphlet is designed primarily for the use of high school debating teams in the state of Oklahoma. These are boys and girls in their teens.

The pamphlet is not a primer. It does not talk down to its readers. Yet it aims to talk directly to them. It is a students' manual rather than an encyclopedia or a dictionary.

In the address to the debaters which opens the pamphlet, a working kit is recommended. Little of the material included in the three publications there mentioned is included in this volume. Most of the material here used has been issued since January, 1921. The debater is asked to seek material which came out before that date in the three publications named, and thru the bibliographies to be found in two of the three.

This explanation of the aim of the pamphlet will show also why no bibliography is included. Such exhaustive and admirable lists will be in the debaters' hands in these other publications that another here would needlessly cumber space better employed otherwise.

This also explains the absence of an index in this pamphlet. The material is so arranged as to enable the reader quickly to find the kind of material he may be seeking, and since no attempt is made to treat any phase of the subject exhaustively, an index would add little or nothing to the serviceableness of the pamphlet.

The material is arranged in five general divisions, as follows:
THE DEBATE, being an address to the debaters who are to use the pamphlet.

MAINLY FOR THE AFFIRMATIVE, presenting articles and discussions from those who contend for the open shop in American industry.

MAINLY FOR THE NEGATIVE, presenting articles and discussions from those who oppose the campaign for the open shop, either proposing an alternative in the unionized shop, or who on some other ground disapprove of the employers' campaign.

GENERAL DISCUSSION, being quotations and discus-

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sions which bear now on one side of the question and now on the other.

BOTH SIDES OF THE QUESTION, being in the nature of a summary of the discussion, to assist debaters in balancing their arguments.

The pamphlet contains no "briefs" for either side. Debaters of independent mind will prefer to make their own briefs, and those who seek them already prepared will find them worked out in extreme detail in one of the publications recommended for the debater's "kit".

As is frequently pointed out in the bulletin, our question opens all phases of the labor problem. A masterly handling of the subject will require wide reading and a comprehensive study. And no study will serve more effectively to prepare boys and girls for intelligent and efficient citizenship. No public question is more important than ours at this time, if all its bearings and implications are reckoned in.

Each debater may well keep an eye open for all the discussion of industrial questions, the relations of capital and labor, of employer and employee, the activities of large corporations in the organization of labor, and of the labor unions. Watch the daily and weekly and monthly press. There is no knowing what valuable fresh material you may there find, in addition to that here presented and to be found thru the other publications herein recommended.

Industrial organization is one of the great subjects pressing upon the attention of all the American people.

So much of the work of the preparation of this bulletin has been done by Mr. Joseph Ernest McAfee of the Department of Community Institutes that his name is given as the editor.

University of Oklahoma,

J. W. SCROGGS.

September 1921.

THE DEBATE

TO THE DEBATERS:

This bulletin is not intended to serve as an encyclopedia. It will scarcely more than introduce you to the subject it treats. Our whole economic system is being stirred to its depths by the controversy now raging around this question of the open shop in industry. Literature is rolling off the presses by the ton. There is much discussion in the general magazines and newspapers, but there is far more in trade organs, in pamphlets, in paid advertisements and in the varied media of organized propaganda. Employers are banded together in this interest as they have rarely been in connection with any other movement.

This does not mean that employers are a unit in their advocacy of one side of the controversy. There are some who outspokenly oppose the campaign, and others who are working along new lines in industrial organization, where they are carried out of the current of the present controversy. They feel that the strife for and against the open shop leads into a blind alley, brings on a deadlock between two opposing forces. They believe that neither can finally win. The salvation of our industrial system must come thru a different approach which will leave this open-closed shop controversy on one side, and make it unnecessary to decide between either of the warring hosts.

There is thus every reason to urge each debater to equip himself with the best and most conclusive literature on the subject. This bulletin will only get you started.

A Working Kit

In addition to this pamphlet each debating team is urged to secure the following publications:

THE CLOSED SHOP. Last Edition. L. T. Beman. Published by the H. W. Wilson Company. White Plains, New York. \$1.25.

OPEN SHOP ENCYCLOPEDIA. Prepared by the Open Shop department of the National Association of Manufacturers. 50 Church Street. New York City.

THE OPEN SHOP DRIVE. Who is Behind it and Where

is it Going? By Savel Zimand, of the Bureau of Industrial Research, 289 Fourth Avenue, New York City. 50c.

A word about each.

The first named is the latest in the well-known Hand Book Series specially prepared for the use of debaters. It is bound in boards, as the other publications mentioned are not. It deals with both sides of the question, gives an elaborate "brief" for each side, and the body of the volume is a series of articles quoted from recent literature, book and periodical, on both sides of the question and in general discussion. Do not confuse it with the earlier volume in the same series dealing with the same question under a different title, and published in 1910 or 1912. This volume recommended to you was published in February, 1921, and thus is almost the latest material available.

The second publication named is not true to its title. It is not an encyclopedia. It deals with only one side of the question. It is a great massing of material for the use of those who believe in the open shop and who wish to prove they are right. It is a bulky pamphlet of 248 pages. No price is set upon it, and probably each debating team will be supplied a copy free by the department which issues it. It is an important feature of the employers' campaign which has been organized all over the country for winning the open shop thruout American industry.

The third recommended is on the other side of the question. It is not so exclusively partisan as is the so-called encyclopedia, but the author makes it clear that he is seeking to expose the animus of a campaign which in his judgment is unjust to labor and inimical to the public interests. It is a pamphlet of 61 pages, and the material is all carefully selected. The Bureau which publishes it sets a price of fifty cents, but the writer is informed that a special rate of twenty-five cents is granted to all students.

Bibliography

Our pamphlet does not contain a bibliography. But two of the publications recommended above contain admirable book lists, and references to periodicals. In the Hand-Book, "The Closed Shop", the bibliography is most exhaustive, not to say absolutely exhausting. Probably nothing of any value recently published up to the date of the issue of the book has been omitted.

A much better working book-and-periodical list appears in the last mentioned publication, "The Open Shop Drive."

With these helps any debater can go quite as far as his time and library resources will permit him to go. New propaganda literature is appearing all the time. While the question has been pretty well threshed out in the general press, yet new articles appear in the magazines frequently.

If you will file your name with the Open Shop Department of the National Association of Manufacturers, 50 Church Street, New York City, and with the offices of the American Federation of Labor, Washington, D. C., probably considerable pamphlet and leaflet material can be sent you. In the former case no price seems to be set upon the publications. The Federation of Labor is apparently not so well supplied with propaganda funds, and makes a charge on most of its leaflets and pamphlets.

Purpose of the Debate

It is not to decide this momentous question. Fortunately or unfortunately we do not have the chance to decide it. Reason and the public interest do not as yet appear to be controlling factors in practical decisions in this field. You will be profoundly impressed with the manner in which self-interest and class-interest seem to dominate. Few questions are now so cumbered with clap-trap, efforts to play to the galleries, and cloud real issues with appeal to sacred principles of Americanism. Debaters on both sides will be impressed with this.

The purpose of the debate is not to cram you with information on the basis of which you can take a determining hand when you have finished your course of study and have entered industry, either as a laborer or an employer. By that time the industrial situation may have entirely changed, and the present controversy be an inconsequential relic of history. You are debating a question which is decidedly open, and should be treated with an open mind. The decision reached today may need to be reversed tomorrow, or the whole controversy set aside to make way for a new approach to the whole question.

The purpose of the debate is not even to give you a chance to win. The peril of debating primarily to win for one side or the other is now so generally recognized that the debating system in some states has been re-organized so as to test each individual and each team for its ability in all-round thinking and discussion, rather than for his or its ability to win by any and every device.

The decision, so far as a decision was rendered, in the famous

Lincoln-Douglas debate in Illinois, before the Civil War, was given to Douglas. If Lincoln had died the day after it closed, the general comment would have been that a rough-and-ready, sincere and likable sort of a chap had made a good try, but that he was betting on the wrong horse, and his losing was a foregone conclusion. It is too bad that our school debates cannot by some device be given something like the reality which such discussions have in adult life, so that, win or lose, the debaters with real insight and conviction may finally get his reward. As a matter of fact, each debater who throws himself into our discussion, not to make the worse appear the better reason, but to get at the truth, and make the truth weigh for all its substance, will find a great reward, one which far transcends the value of a decision this way or that from never-so-wise-and-just a group of judges.

Thoro Thinking

The real purpose of our debate is thus to bring you to sustained, comprehensive, balanced, and unprejudiced thinking, and to cultivate the power to express your thoughts with convincing effect.

It is of the greatest moment in securing this and that a real live question like ours should have been chosen. You can work up genuine enthusiasm over it. You will be identified with the industrial system in some connection very soon, actively identified, and it makes a vast deal of difference how this question is handled today and tomorrow. It makes a difference to you right away, and the difference will be felt all the rest of your life. If it does nothing else, this debate ought to open your eyes to the peril of class-spirit, an unreasoning and self-interested partisanship. You will be tempted again and again to cry out with the prince of ancient Florence where two rival families of the nobility were forever scrapping with each other, and filling the streets with their broils. His patience was finally exhausted and he called down "A plague upon both your houses!"

But his impatience did not quell the broils nor establish peace. And neither will yours. This question is distressingly confused and complicated by senseless bickering, but it will not be settled by your turning away in disgust. The question itself rises above the claptrap and self-seeking which vitiates much of the argument employed to support now one and now the other side.

The very fact that you are not just now in the thick of the fray will enable you to rise with the real question, and see bigger and clearer than do the partisans thru whose oceans of discussion you are calld upon to wade. And if you will cultivate the kind of thinking which alone will make head and tail of this confusion of words and ideas, it will give you a balance which you will not entirely lose when you are yourself forced into the fray, or one like it in coming years. You will often find yourself praying, as you study this question, "The Lord save the society of my day from this kind of a mix-up!" He will not answer your prayer if you carry into it the same kind of narrowness and partisan spirit which afflicts so many of the leaders of the present controversy.

The Plan of the Bulletin

The plan of our bulletin is transparent. At the first are articles and discussions which mainly support the affirmative of the question. Then follow articles and discussion mainly supporting the negative. Then there will be found short sections of general discussion, partly supporting one side and partly the other. And finally, in a brief sketch, the attempt is made to set forth the weaknesses and strength of either side of the question.

As already stated, this bulletin does not give a bibliography. Nor does it detail questions for study. That sort of material is fully worked out in the additional publications above recommended, and it would involve needless expense to duplicate their lists here. It is most important that the three publications recommended should be secured. The expense may be an embarrassment to a few. Follow the suggestion made: that the debaters of opposing teams in the same town unite in securing a set of the publications. If you have not the necessary small sum of money between you, your principal will see that school funds supply you, or that interested citizens of your town provide the small sum needed.

This is a man-size question, and is just as good for the girls as for the boys. Those of you who master this question will be far on your way toward that goal of intelligent citizenship which the society of today so seriously lacks, and which the society of your day must gain if it is to survive and make progress. A fair field, good luck, and a real triumph to each of you, win or lose!

MAINLY FOR THE AFFIRMATIVE

CLOSED SHOP ARBITRARY AND INEFFICIENT

Walter Drew is Counsel for the National Erectors' Association of New York, an organization of employers. He was an important witness before the Industrial Relations Commission in May of 1915. The following extended discussion by him is an address which has been recently published in a leaflet or pamphlet by the National Association of Manufacturers of the United States of America. It is their pamphlet Number 49. Copies can be secured free by addressing their offices at 50 Church Street, New York City. It is printed here as setting forth clearly the point of view of large numbers of employers, and, as may be assumed from a statement in the text, a large number of the Chambers of Commerce throughout the United States. The publication bears the title: "The Open or Closed Shop?"

If signs are not misleading, the public considers the labor question its most important present problem. The reason is not hard to find. During the war people generally came to understand that the real battle was a battle, not of armies, but of workshops. Now that the war is over, we find ourselves with all its waste and destruction to be replaced, as well as with several years of neglected work to be made up. In the face of this great need we find industry with reduced efficiency and impaired morale. Small wonder, then, that Society should discover that it has a vital concern in the matter of how and under what conditions its work is performed.

Today we are to consider some of the aspects of the work problem which have to do with the question of the open or closed shop. And upon this question it is significant to note that public opinion is showing a definite and decided trend. From one end of the country to the other—in hundreds of cities and in nearly every state—open shop movements embracing entire communities have sprung up during the past year. The main feature of these movements is that they have been largely spontaneous and have proceeded either from the general public

or from business and commercial organizations which in times past have maintained a neutral attitude on labor matters.

Who would have dreamed three years ago that the Cleveland Chamber of Commerce would declare in favor of the open shop? Or that the United States Chamber of Commerce would submit the question of the open shop to its membership for a referendum vote? And do you recall that on that referendum, 1665 Chambers of Commerce and other business organizations voted in favor of the open shop declaration, and only 4 voted against it? Many of those Chambers of Commerce today are actively engaged in local open shop efforts.

Now it happens, also, that during the war, and largely through the use of the wartime powers of Government by a friendly administration, organized labor doubled its membership and reached the high water mark of its power and influence in this country. The verdict now being registered against it in so many communities is largely the result of the use which organized labor made of that power during the war and in the period following while the abnormal demand for labor still continued. But you are not here to accept the verdict of others, but rather to endeavor to arrive at one of your own. It is the public weakness to seek always for heroes or scapegoats, and having paid homage to the one or meted out punishment to the other, to forget the matter. The present disfavor in which the unions find themselves is much like that which only a few years ago was directed against combinations of capital. And at that time, you remember, all business was under suspicion and the good business man suffered with the bad.

The great fact is that we are all human and actuated by much the same motives and impulses. Different groups or classes of men average up much the same. For the bride-taker, you have the bribe-giver. For the grasping union man, you have the profiteer, and for the human tendency to abuse power not accompanied by due responsibility you have all of us. Power without full and proper responsibility for its use—that was the trouble with the business combinations, and that is the trouble today with unionism. To call labor leaders hard names or to send a Brindell or two to jail will not improve matters so long as the condition continues which made abuse and exploitation possible. What is most needed in connection with the labor question is truth and clear thinking, less heat and more light.

Sympathy and Wages

A few weeks ago, a distinguisht gentleman, Mr. Clarence Darrow, spoke to you from the platform in defense of the closed shop. He said, I believe, that the question was largely one of point of view—whether you were for captain or for labor. As for him, his sympathies were with the worker and he wanted him to have more. In Mr. Darrow's home city, the building trades workers, with their closed-shop control, have monopoly wages for which they give a very low output. They refuse to reduce their present rate of \$1.25 an hour. Only one-third of them are employd in spite of the great need for housing. Aside from the question of public welfare, is it better for these workers themselves to maintain this condition rather than to seek employment for all thru a lower wage and increast efficiency?

In open-shop Los Angeles, the number of wage-earners in the period from 1899 to 1914 increast from 5,173 to 31,352, an increase of approximately 500 per cent. Oakland, Seattle, Portland and other Western cities showd increases in the same period of 100 to 200 per cent. In closed shop San Francisco, where the industrial life of the city had been absolutely dominated by organized labor, there was a decrease in the number of wage-earners from 32,555 to 31,758, in spite of the great natural advantage which San Francisco had over the other cities. Without considering the great increase in the Coast population, the industries of San Francisco were not even supporting as many workers as they did twenty years ago. Is this a good thing for the workers?

In England the worker generally receives a half or a third of the American wage for similar work, and under the rules of his union does a half or a third of the work done by the American. Is not this ratio between wage and output illuminating, and is it not clear that even the closed-shop power of the union is not able to force the payment of a wage out of proportion to the worker's production? It may be possible, then, that the closed shop means less instead of more for the working man.

But the question of wages is not one of sympathy, or, in the long run, of union power. The sympathetic employer who pays more than the business warrants will find himself out of business, and the union whose power forces a price for labor above what the market will absorb will find its members with-

out work.

In 1840, according to figures of the National Industrial Conference Board, the average wage of labor in this country for artisans was \$8.10 per week, and for common labor \$4.90 per week, or a little more than half. In 1915 the artisan's wage was \$19.90 per week, and that of the common laborer, \$10.75, or still a little more than half. During the war the rate of artisans increast to \$42.00 a week—an increase of 111 per cent. over the 1915 rate—and that of laborers to \$26.00 a week—an increase of 142 per cent. Yet common labor, which has maintaind since 1840 its ratio with skild labor and even increast it in war time, is unorganized, while the power of the unions has been exerted almost wholly in the skilld trades. The larger production of modern industry with is machinery and improved methods, has under economic laws brought about the workers' increast wage whether the employer wisht it or not.

Position of the Worker—True Function of Union

But we must not follow the persuasive Mr. Darrow farther from our main theme, and in coming to a closer view of the shop—open or closed—let us see in what position the modern worker finds himself therein. In the old days of individual production, he workt side by side with his employer. The article which they made was deliverd to and used by some member of the immediate community. He saw and understood the whole process of production, distribution and consumption, and his handi-work was a source of satisfaction and pride to him. Under the present factory system, he now finds himself a mere cog in a vast complicated machine. A hundred men or more make the article formerly made by one. The old human contact is gone as well as the joy and pride in good workanship. The worker does not know where the product goes, and he has no conception of the relation between the price paid for it by the final consumer and his own wage and security of employment one legacy he has from the old days, and that is the fear of unemployment.

It is natural and proper that there should be a greater tendency for the worker to organize under the present system than formerly. His need for guidance and assistance along the right path has increast, and there are useful and valuable functions which organizations of workmen could perform in the worker's interest and for the good of Society. It is all import-

ant that the worker should regain a sense of the dignity and importance of work and that he should understand his true value in the present industrial system. He should know that with all its complexity modern industry yet performs a social service of immeasurably greater value than that of the old individual system, and his work is part of that greater social service. He should learn that in the matter of production his interests and those of his employer are the same, no matter how much they may quarrel about division, and he should appreciate the vital necessity to himself as well as to Society that industrial enterprise should be raised to the highest point of efficiency and productivity possible. Is it not in the worker's own interest that he should know that greater efficiency results in lower costs and prices, greater demand for the product, and hence for the labor to make it, and that thru this there comes to him a greater security of employment and a betterment of wages? Is it not the true and proper function of the union to teach these things to the worker, and is there anything inconsistent between doing this and upholding his rights and interests with all the power of the organization?

War Theory—The Closed Shop

And now we come to Mr. Darrow's major premise, in the frank and honest statement of which he has performed a real service in clarifying the discussion. His position is that between employer and worker there is a fundamental conflict of interest and inevitable warfare. Mr. Darrow speaks advisedly in stating the union philosophy, and the serious features of the labor problem today grow out of the fact that unionism has chosen not to follow the path of constructive service open before it, but to adopt the war theory as a basis of action. Under this theory reliance is placed entirely upon force, and the power of combination and of class action is developed in order to create and use this force. In war, the morale of the army must be preserved by stimulating hatred of the enemy. The Preamble of the Constitution of the American Federation of Labor, adopted in 1881, recites:

"A struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity from year to year, and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit."

There is no suggestion here, or in the entire document, of

any constructive teaching or effort. Its note of class interest is the keynote. The adoption by the unions of the war theory and of the fundamental concept of force naturally colors and controls their whole philosophy and program. Under such a doctrine the workers must be brought to look upon the employer and upon Society at large as oppressors.

The closed shop in its present form is the concrete expression of the doctrine of force. It is a shop closed to non-members of the union. It represents a monopoly of employment in favor of the union in the particular shop, as well as a vantage ground from which attacks may be launched upon other shops. From the refusal of union men to work with non-union men in individual cases, there has developed the idea of using the closed shop as a means of securing nation-wide control of industry, and the great national labor organizations have long been co-operating to this end.

Statements of Labor Leaders

Some of the acknowledged spokesman for organized labor can themselves best state its position. Said Mr. John Mitchell, in 1903:

"With the rapid extension of trade unions, the tendency is toward growth of compulsory membership in them, and the time will doubtless come when this inclusion will become as general and will become as little of a grievance as the compulsory attendance at school. The inalienable right of a man to work will then be on a par with the inalienable right of a child to play truant, and the compulsion exercised by the trade unions will be likend to that of a State which in the interests of Society forces an education upon the child, even though the child and its parents are utterly and irreconcilably opposed to it."

Mr. J. W. Sullivan of the Typographical Union is one of the acknowledged spokesmen and leaders of organized labor. In the "Weekly News Letter" of the American Federation of Labor, October 25, 1919, discussing the right of wage-earners to organize in labor unions and to bargain collectively, he said:

"Once this foundation right is in good faith accepted by employers, they take upon themselves the obligation of modifying all alleged abstract rights of wage workers in general which are inconsistent with it as a basic and encompassing principle. In accepting this right, they concede to an association of wage-workers the right of its self-preservation, and this includes the right, when necessary to that end, to refuse to work with persons whose acts would tend to destroy the association."

In other words, the worker's right of individual contract,

which the Supreme Court of the United States has held to be part of the personal liberty guaranteed by our Constitution, is, according to the union view, a mere "alleged" abstract right, and the employer who accepts the union idea of collective bargaining must modify or deny this "alleged" right by denying employment to the non-union worker. The union, therefore, not only intends to use its own powers of compulsion to force the worker to abandon his individual rights and accept union control, but intends that the employer shall join in that compulsion.

How far it will go in the kind of force it is willing to employ against the worker is shown in the official report of Mr. Luke Grant to the United States Commission on Industrial Relations, made in 1915. Mr. Grant is a union carpenter, and both before and after his report was officially connected with labor unions. He said:

"In recent years there has been a market change in the nature of the violence committed in the building trades and in the methods used. The ordinary workman who in former days was apt to use his fists on the head of a scab for the sake of the cause, seldom does so now. His place has been taken by the professional thug and gunman. Violence has become commercialized and made more brutal. Assaults on non-union workmen are seldom made openly as in former days when the strikers did the assaulting. The professional slugger lies in wait for his victim, assaults him with a bludgeon or probably shoots him to death. * * * If the destruction of property seems more expedient than the slugging of non-union men, the professional will attend to that. * * * That such a system of organized thuggery obtains in many of the building trades unions is beyond dispute."

Here is a typical extract from the Bridgemen's Magazine, the official organ of the Iron Worker's Union. It is from the report of a Business Agent of the Union and refers to some open-shop work at Salt Lake City. The report says:

"They built a 12 foot board fence around the job, so the bunch could not see them, but some ungracious fellows hoisted a few rocks over the fence. They must have been good shots, for they got a couple of them, and the rest of the snakes got 'cold feet' and quit. This was on Friday, June 11th, and on the following Monday our men went to work. * * * The boys of No. 27 fought nobly for their rights, which were principle and unionism on our side and the open shop policy on the Minneapolis Steel and Machinery Company's part."

Defiance of Courts

It is fairly common knowledge that unions are legally irresponsible, generally speaking, and that the writ of injunction to

prevent threatend injury is practically the only remedy against unlawful union activity. In pursuing the doctrine of force, organized labor through the boycott, the sympathetic strike, the general strike and other militant methods has frequently invaded the rights of third parties and of the public. The use of the injunction in such cases has resulted in a bitter attack by the leaders of organized labor upon our courts and judicial system. Said Mr. Mitchell:

"If a judge were to enjoin me from doing something that I had a legal, a constitutional and moral right to do, I would violate the injunction. I shall, as one American, preserve my liberty and the liberties of my people even against the usurpation of the Federal Judiciary."

Said Mr. Gompers, in a public speech at the time of the Buck Stove and Range Case:

"I desire to be clearly understood that when any court undertakes without warrant of law by the injunction process to deprive me of my personal rights and my personal liberty guaranteed by the Constitution, I shall have no hesitancy in asserting and exercising those rights."

Mr. Gompers then asserts greater authority than that of the Courts created by the Constitution in the interpretation of his rights under the Constitution. This absurdity would be ridiculous if it were not the cloak of Anarchy, for what else is Anarchy than a condition where each man is final judge of his own acts? And Mr. Gompers is the leader, teacher and spokesman for 4,000,000 workmen.

After the injunction was issued against the strike of the coal miners in the Fall of 1919, the Executive Committee of the Federation of Labor issued a bitter statement in criticism of the action of the Government, which concluded:

"By all the facts in the case the miners' strike is justifiable. We endorse it. We pledge to the miners the full support of the American Federation of Labor and appeal to the workers and the citizenship of our country to give like endorsement to the men engaged in this momentous struggle." Organized labor, in its application of the doctrine of force, had thus arrived at the point where it was willing to use its strength and resources in defiance of the order of a Federal Court issued upon the suit of the Government itself acting in the interests of the life and industry of the nation. You will remember, also, that in the passage of the Adamson Law, representative government was suspended and that piece of legislation was rushed through Congress under threat of a national strike by the Railway Brotherhoods. And in shame be it said,

it was made law within the time limit fixt by the Brotherhood chiefs.

In discussing this law, Mr. Garretson, President of the Order of Railroad Conductors, said before the New York Economic Club, December 11, 1916:

"Industrial war is precisely of the same character as actual war. No battle has been fought in establishing the right of mankind, either real or fancid, where the hospital hasn't been filld afterwards, and the corpses left upon the field. And it is just so in industrial war. If you complain that four hundred thousand men held up the Government, what will eight millions of them do, if they can, to hold up the Government?"

Class Interest vs. Society

The leaders of organized labor recognize that the final issue lies between the unions as representing a distinct class interest and Society at large. They are not content with their present measure of legal immunity, but make it clear that it is their purpose not only to extend closed-shop control through methods of coercion and force to industry as a whole, but that in the exercise of the power thus acquired they will not be bound by the rules and laws which govern other classes in Society, or even by the authority of the State itself. For a number of years past, there has regularly been added to appropriation measures of the Federal Congress a rider providing that none of the money appropriated to the Department of Justice should be used in the prosecution of labor unions.

In July last, Mr. Frank Morrison, Secretary of the Federation, in a statement in the New York Times entitled "Labor Ultimatum to the Public," said:

"The workers will not concede that the community has any purpose or intention to render justice to the workers should it force itself into participation in industrial relations."

Also, that the workers will not "yield the right to quit work singly or collectively when in their judgment the conditions under which they work justify such action," and "will not submit their cause to adjudication by utopian schemes based on sentimentalism."

He also said (referring to the army, the courts, and the legislature) that "the trade union should be permitted to function without interference by any of these agencies," and that "there can be no question in modern industry which cannot be determind quickly and satisfactorily through the trade union philosophy."

On the social and political side, therefore, the trade union philosophy under the doctrine of force involves denial of per-

sonal liberty, development of class consciousness, stimulated hostility to the employer and Society, a monopoly of employment, and the acquisition of an autocratic control of industry above the law and the State. This is a big price for Society to pay for the closed shop as a permanent institution. Is it worth the price?

Economic Aspects of Closed Shop

This brings us to a consideration of the economic aspects of the closed shop, and we come at the outset to the important factor that is missing in Mr. Darrow's war theory. Under that theory no account is taken of the fact that before any division between employer and employe, or any quarrel about division, there must be production, and that the greater the product the more there will be to divide and the better will the wants of all people be provided for. We have noted that under the war theory the worker is viewed, not as a factor in production but as a soldier in the ranks of labor's army. In order to maintain the morale and discipline of the army, the soldiers must all be upon the same level, and this necessity explains the unions demand for the flat wage rate and for labor standardization and the opposition to piecework or bonus systems or any other method of work which encourages individual initiative and tends to bring about inequalities in the wage rate. The result of all this is to deprive the worker of all incentive and to make the efficiency of the least competent the common denominator for the efficiency of all. The spirit of hostility and of armed truce prevailing in the closed shop are also serious obstacles to the development of co-operation or of efficient productive methods.

Restriction of Output

But there is a still more serious phase of the matter. Out of the worker's fear of unemployment and his lack of understanding of modern industry has emerged the idea that by doing less work he will help to make employment for more workers. In England, where union control is almost absolute, this idea is practically universal among the workers, and in this country it is well established wherever the unions have long had a closed-shop control. With the power acquired by the closed-shop, the worker can put this vicious misconception into actual practice, and the individual not only reduces his own efforts, but oftentimes restrictions on output are enforced by unions rules and regulations.

Union leaders do not correct, but rather encourage this idea. In 1887 Mr. Gompers said that "So long as there is one man who seeks employment, the hours of labor are too long." In 1908 he urged the adoption of an eight-hour law upon a Government Commission of Nova Scotia, and said. "A man cannot do as much work in eight hours as in nine or ten. The shorter day must lessen production and make room for more men. We find the echo of this in the 1920 Convention of the American Federation of Labor in the adoption of the report of the Committee on Shorter Work Day, which declared in favor of a six-hour day as means of furnishing employment to the members of different organizations. The report also said: "The words 'increase production' have a magic sound to the profiteering manufacturer. Your Committee believes that the employer should have a fair return from labor for a fair day's pay, but it resents the idea that there must be a continually increase return from labor solely for the benefit of such employed."

These are the views and theories learned by the union man in his organization and from his chosen leaders. He is never told that he owes a fair day's work to himself even more than to his employer, and that his own interests are vitally affected by efficiency and productivity. Neither is he told that by decreasing production he is setting in motion forces which tend toward unemployment and decrease wages. It is hard to understand this silence on matters so vital to the worker's interests, and not only silence, but actual misrepresentation. The only explanation is that if the worker were permitted to see clearly how great is the mutuality of interest between him and his employer, he would not as willingly play his part in the war program of the union. Consider, if you will, what would be the effect upon our country's welfare and progress if this war program should be successful and if closed shop control of our industries should become generally established. Is there anything of benefit in the closed shop to the worker, to industry, or to the public, to justify the payment of the heavy price it entails.

Conspiracy vs. Public

But the closed shop union and certain groups of employers have discovered a mutuality of interest which Mr. Darrow does not mention. Much of the collective bargaining which is pointed to as an example of harmony and peace is really a conspiracy against the public. In a study of the Closed Shop, published in

1911 by Johns Hopkins University, Dr. Stockton says:

"Neither employers nor unions have had much to say concerning the advantage of 'exclusive agreements.' * * * Employers who are parties to them obtain a great advantage over competitors in localities where the unions are strong. But while the closed shop under such conditions may be an advantage to those employers with whom a union agrees to deal exclusively, the public interest suffers inasmuch as competition is effectively stifled."

In a Government Report issued by the United States Commissioner of Labor in 1904 on "Restriction of Output" many such agreements are described. Here are one or two. The Report says:

"The Stonecutters' Association and the New York Stone Trade Association have entered into a closed agreement by means, of which the members of the employers' association are able to reimburse themselves for whatever disadvantages they suffer in respect to the various restrictions imposed by the union. By this agreement, the members of the union refuse to work on stone that is cut, planed or sawd outside New York, and they refuse to work for non-members of the employers' association."

Here is another. After describing a similar exclusive agreement in the marble industry and the fact that the amount of work performed by union men was "one-half of what should be expected," the Report says:

"Yet by excluding marble cut outside New York and excluding outside contractors from entering New York, the marble employers are able to recoup themselves from the building industry of New York." These examples were typical of conditions in many other trades.

In the Lockwood Investigation such combinations between groups of employers and unions were disclosed in trade after trade, and in every instance the power of the contractors to control the market against outside competition rested upon the closed-shop control of the union. The outside contractor who might secure a contract in New York could find no union men to perform it. If he employed others, he was met with a sympathetic strike by the unions in the Brindell Building Trades Council and forced to abandon the work to some local contractor in the combine.

Here, then, is the final fruit and flower of the closed shop. Here is harmony and peaceful collective bargaining between the parties, with their feet under the same table. The union gets a monopoly of labor and all its demands and restrictions

acceded to. The employer gets a monopoly of the market, and the public pays the final bill. These combinations are not peculiar to New York. They exist in many large cities where closed shop control of the building industry has become established. They exist, also, in other industries where conditions are favorable to their development. The point is that they are the logical outgrowth of the spirit and purpose of the closed shop, and if the employers of this country are ever forced to accept the closed shop through the acquiescence or sympathy of the public, the public will have no one but itself to blame if it finds that the two parties have stopped fighting and joined forces against it. Industrial peace and harmony thus secured will be a more serious matter for the public than industrial warfare.

Building Industry

The closed shop is strongest in the building industry, and there we can see the results of its long-established control. Besides the exclusive agreement, we find thirty or forty trades who tie up work for long periods with internal quarrels over jurisdiction, yet unite in the use of the sympathetic strike, boycott and other union methods of warfare against any attempt to question their power. We find "industrial democracy" to consist of the autocratic control of a building trades council, with supreme power to call strikes on or off in any or all trades and without vote of the rank and file of the unions. We find all manner of arbitrary rules and restrictions affecting output and increasing labor cost. We find unions refusing to admit new members, but charging non-union men for "permits" to work. As to efficiency, it has sunk to the lowest degree. A recent Report of the Cleveland Chamber of Commerce says that in this city the building trades workers do only two-thirds of the work done before the war. Before the war, however, the efficiency of the building tradesmen was far below what a fair normal day's work should be. The bricklayer in union communities now lays 350 to 400 bricks a day, where before the war he laid 800, and a normal fair day's work would be 1500.

Recently, a local union of Steamfitters in Buffalo broke away from the American Federation of Labor and announced its adoption of the open shop in a strong resolution. One of the chief purposes outlined in the resolution was to give an increase in production on the part of the workers which they had been prevented from doing, and in a public statement the Busi-

ness Agent of the Union called attention to the fact that the average steamfitter could erect and connect from four to six radiators in an eight-hour day, but that in the past they had been limited to erecting and connecting not more than one or one and a half radiators per day,—in other words, that union steamfitters in the past had been compelled to limit their output not to exceed one-third or one-fourth of their natural ability.

When you consider that the building contractor is largely a broker, that each job is a completed transaction, and that he does not have to send his product to outside markets to compete with the products of other localities, it becomes clear why it has been easy for the unions to secure control of building. The contractor bids on conditions as he finds them, adds his profit, and the owner pays the bill. Too much, therefore, cannot be expected of the builder in the way of reform, unless he is assured of the backing of the owner and the public, which in times past he has not always had. It is for the community to take the initiative in putting conditions in the building industry upon a better basis and insist that its rights be recognized and respected both by the builders and the unions.

Collective Bargaining

"But," says Mr. Darrow, "we must have collective bargaining, and labor can't possibly bargain without the closed shop. Remove the union, and there is no bargain left." This is a stock argument. Let us look into it a bit.

In the first place, outside of exclusive agreement, how can there possibly be real bargaining in a closed shop? A real bargain presumes that the parties stand upon an equal footing. In the closed shop there can be only a demand and a surrender, for the possession of the power of monopoly by the union gives it an overpowering advantage. In practice, there are few, if any, of the features of bargaining found in the closed shop, that is, the ordinary negotiation, discussion and adjustment of terms. The union delivers its ultimatum, which, if rejected, means the application of coercion to compel its acceptance.

Again, in the closed shop, the employer does not deal with his own employees. He deals with an organization largely composed of the employees of others. The dealing of the union is carried on in furtherance of the class-conscious interests of this larger group, and not in the interests of the employer's establishment. The employer, then, is not permitted to bargain in the

light of what is best for himself, and his own employes in the particular business. More than that, under the philosophy of the closed shop, the class-conscious organization with which he deals is a hostile one, seeing only the conflict of interest between the parties. The factor of cooperation in building up the business for the mutual interests of both parties is left out of consideration. This violates one of the fundamental principles laid down by the President's Second Conference in its final report. The report says:

"The guiding thought of the Conference has been that the right relationship between employer and employe can be best promoted by the deliberate organization of that relationship. That organization should begin within the plant itself. * * * Such organization should provide for the joint action of managers and employes in dealing with their common interests. * * * The general principles governing such organization are stated at length under the title 'Employe Representation.' * * * Employe representation must not be considered solely as a device for settling grievances. It can find success only if it also embodies co-operation in the problem of production." Here is a principle absolutely lacking in closed-shop bargaining.

The Conference disagrees also with Mr. Darrow when he says that labor cannot bargain without the closed shop. The report says:

"The term 'collective bargaining' as herein used means negotiation between an employer or an association of employers on the one side and the employes acting as a group on the other. There are two types of collective bargaining as thus defined: one in which the employes act as a group through the trade or labor union, the other in which they act as a group through some other plan of employe representation. * * * While there are some employers who still insist upon the policy of dealing with their employes individually, and not as a group, we think their number is diminishing."

The report also says:

"Employe representation is operating successfully under union agreements in organized shops. It is operating in non-union shops, and it is operating in shops where union and non-union men work side by side."

As a matter of fact, there is undoubtedly more collective bargaining today in the open shops of this country than in the closed shops. A good deal of this is with regular trade unions who have not grown strong enough to secure the closed shop. That the unions cannot exist without the closed shop is belied by the fact that they do exist and have always existed, for only a small percentage of unions have secured and held the closed shop, although unionism itself has been steadily increasing in

numbers and power. The truth of the matter is that the attainment of the closed shop is the beginning of the downward course for the union. With the power thus acquired it no longer is compelled to present itself as a desirable and responsible contracting agent, and the forces of exploitation and demoralization begin their destructive work. Giving less and demanding more, and ever reaching out for more and more power, the closed shop union finally finds itself arrayed against Society itself.

The Open Shop

It remains to say a word about the open shop. We are misled, I believe, in thinking of it as a definite plan or system or as a solution of the labor question. It is none of these things. It is merely a shop that is not closed—where both union and non-union men are employed and where the parties under the free play of economic forces work out their relations with each other just as people do in other walks in life. These relations take different forms in different shops. There is individual bargaining and different kinds of collective bargaining. There is profit-sharing and various plans of wage payment. There is also harmony and discord, co-operation and misunderstanding, good management and bad, over-reaching and fair play, for the parties in the open shop are the same humans we started with and the millennium is not yet here. But this may be said. In the open shop, management is not crippled in developing its full efficiency; the welfare of the particular shop is the basis of the relation between the parties, the opportunity to work and to develop his skill and earning power is not denied the worker; and the door to experiment and progress toward better conditions and relations has not been closed. Ninety per cent of our industries and their employees operate under the open shop to-day. Our position and leadership as an industrial nation has been built up under open-shop operation. Our wages and standard of living of our workers are the highest in the world and the highest known to history. Whatever defects, or weaknesses, or injustices are incident to the open shop, one fact must be clear, and that is that they are not to be cured or a better order established thru the substitution of the closed shop.

As to the employer, he has not that power of exploitation which is commonly attributed to him. He, too, is governed by economic law. He must pay for efficiency and merit what it is worth, or it will find another market. The very influences

which widen the sale of his product and increase his profits also widen the demand for labor and tend to force him to pay a better wage in order to secure that product. The final demand which fixes the wages of the worker comes from the consumer of goods, and the employer can no more prevent the operation of this law than he can stop water running down-hill. In the long run, the worker's interest in dealing with the employer will be more surely protected by the laws and forces that control them both than by any power he can exert through an organization committed to the destructive fallacies of the closed shop.

The Employer

And may I say one last word about the employer? He organizes the forces of production. He is the natural leader of his workmen, and is able by instruction, example and fair dealing to bring to bear constantly upon them influences for right-thinking and action and for loyalty to the common enterprise. He cannot escape responsibility if he neglect this opportunity and they become alienated and followers of false leaders and vicious doctrines. His position also carries with it larger obligations and he should consider himself not as engaged in business entirely for individual profit, but as a trustee for the beneficial use of the forces of production that he controls. The making of profits can no longer be considered the sole test of business success. Industry has not performed its function unless it brings betterment of conditions and increased comforts to the worker as well as to the owner and unless its product is made available to the general public at prices as low as possible thru efficiency, co-operation and unrestricted production. This broad view by the employer as a working principle in his own business and in his association with other employers is not altruism, but is being found to be a sound, constructive business philosophy.

NATIONAL MANUFACTURERS' ASSOCIATION AND THE OPEN SHOP

The National Manufacturers' Association of the United States of America is one of the oldest of such organizations, and is perhaps the strongest in the country. It maintains a large suite of offices at 50 Church Street, New York City, and has recently opened a special department on the open shop, which is pressing the campaign vigorously. A great volume of literature advocating the open shop is issued by this department, and is sent freely to all who ask for copies.

Their pamphlet Number 48 contains several pages of concisely stated arguments. The following reprint preserves the page headings and certain explanatory notes used in the pamphlet. The title used for the entire pamphlet is "Why the Open Shop". The back cover gives a "Declaration of Labor Principles" of the Association, which is used in other of their publications, and is omitted here since it does not bear exclusively on our question. A few "fillers" used in the pamphlet are also omitted from our print.

The Definitions

The Open Shop exists wherever and whenever the following labor principle enunciated by the Anthracite Coal Strike Commission, appointed by President Roosevelt, in 1902, is practised:

No person shall be refused employment, or in any way discriminated against on account of membership or non-membership in any labor organization, and there shall be no discrimination against, or interference with, any employe who is not a member of any labor organization by members of such organization.

The Bridgemen's Magazine, official organ of the Iron Workers' Union, defines the open shop as follows (issue of December, 1905):

If the employer will not yield without coercion, and the union is unable to coerce him, then non-unionists as well as unionists may obtain employment and the establishment is consequently known as an open shop.

The Bridgemen's Magazine defines the closed shop:

Closed shop, then, is the term for a shop, factory, store or other industrial place where workmen cannot obtain employment without being members in good standing of the labor union of their trade. This is demanded by the unions * * * They insist that the shop shall be closed against all employes who, not already belonging to the union of their trade, refuse to join it.

The Printing Pressmen, Constitution and By-Laws, 1909, declare:

The words "union pressroom" as herein employed shall be construed to refer only to such pressrooms as are operated wholly by union employes, in which union rules prevail, and in which the union has been formally recognized by the employer.

These definitions bring out the following points clearly:

1. Under the closed shop only members in good standing of the unions may obtain employment. Open shop employers refuse to discriminate on account of "membership or non-membership in any labor organization" and "non-unionists as well as unionists may obtain employment."

2. The closed shop "shall be closed" against men who "refuse to join" the union. The open shop denies the right of union members to discriminate against "any employe who is not a member of a labor organization."

3. The closed shop makes the employer agree to employ only union members, and tells the independent worker that if he "refuses to join" the union he shall not have work.

4. In the closed shop "union rules prevail." The employer, in other words, must yield to the "union rules" where they affect the conduct of his establishment.

WHY THE EMPLOYER OPPOSES THE CLOSED SHOP

1. The employer is asked to make contracts and agreements with organizations which are not legally responsible for their fulfilment.

2. The rules of closed-shop unions are made by men 95 per cent of whom are not employed in any one establishment and have no knowledge of its problems. National, as well as local rules govern the establishments. The working conditions in every plant are established by outside control.

3. These rules specifically limit the number of apprentices that may be employed, thus reducing the number of skilled workers available for industry. Employers would also benefit by the greater buying power of a large number of skild workers.

4. Closed shop rules and customs restrict the amount of work which shall be performd. Employers are unable to pay the more efficient workers according to their ability.

5. Even where the workers in a closed shop plant are satisfied with their own conditions, the plant may be closed down because of sympathetic strikes and jurisdictional disputes.

6. Closed shop leaders and small groups of wrong-minded employers can make agreements to deprive other employers of business by shutting off their labor supply. The conditions reveald in New York exist in many industries and localities.

Honest employers recognize that the closed shop leads to "exclusive agreements," which are opposed because they are dishonest, contrary to public policy, and bring fair-minded employers into disrepute.

Why Employers Favor The Open Shop

(From an article by Stephen C. Mason, President of the National Association of Manufacturers, written especially for the Philadelphia Public Ledger, January 23, 1921.)

1. Rules governing plant operation are not made by men who have neither moral nor financial interest or responsibility

in the success of the individual establishment.

2. It does not, by arbitrarily limiting the number of apprentices, reduce the number of skild workers available for industry.

3. Closed shop rules, which limit the amount of work a man shall do in a day, will not apply.

4. It will be possible to pay men according to their ability, which will give greater production per dollar of wages paid than is possible under the closed shop. Lower production costs will bring a wider market and larger sales. This will benefit the worker because greater continuity of employment will be possible.

5. Plants will seldom, if ever, be closed down because of sympathetic and jurisdictional disputes and strikes.

6. Agreements by groups of employers with closed shop leaders to deprive other employers of business, such as the Lockwood investigation in New York has revealed, are not possible.

How the Open Shop Benefits the Worker

1. It makes it possible for the worker to get paid according to what he produces, instead of being held to a "dead level" of efficiency. The incentive and opportunity for increase in efficiency and earning power are both present.

2. The union man as well as the independent worker will be able to obtain work without the necessity of agreeing to arbitrary rules and conditions.

3. Under the closed shop, workers who have no trouble with their own employer oftentimes are idle for weeks at a time because of sympathetic strikes or jurisdictional disputes. These seldom occur under the open shop.

4. As output per dollar increases and manufacturing costs are lowered the manufacturer can lower his prices and enlarge his market. He will be able to work his plant more steadily, which means an increase in demand for labor.

5. Continuity of employment will increase and wages be steadier as (a) sympathetic and jurisdictional troubles are lessened, and (b) the employer's market is increased.

6. Most of the unions have rules which limit the number of apprentices an employer may hire. This makes it impossible for a large number of workers to learn skild trades. The union rules force them to remain as unskild workers with lower pay and more chances of unemployment. The open shop has no

such rules, makes it possible for more competent and willing workers to become skild, increases the average wage paid, and the total wage paid to the working class, as distinct from the rate of wage that may be temporarily secured by a certain group. Increase in total productivity means an increase in total wages. General living standards are higher under the open shop.

Why the Public Should Support the Open Shop

(From an article by Stephen C. Mason, President of the National Association of Manufacturers, written especially for the Philadelphia Public Ledger, January 23, 1921.)

The general public should, and eventually, of course, will, support the open shop for these reasons:

1. Under the open shop industry, which provides the public with what it needs, is able to operate more efficiently. There is less waste and unutilized effort.

2. The decrease in sympathetic strikes and jurisdictional disputes means that less hardship and deprivation will come to the innocent bystanders.

3. Decreases in prices will be made possible by (a), lower production costs, because of greater efficiency, (b) more continuous operation thru freedom from sympathetic and jurisdictional controversy. The costs of industry are in the long run paid by the consumer; the inefficiency of the closed shop increases the costs or keeps them higher than they should be.

4. Agreements by closed shop leaders, enabling small groups of employers to combine and raise prices will be impossible under the open shop, which increases competition.

5. Increase wages, by reason of the more efficient worker getting paid according to what he produces, and because of a larger number of skilled workers, mean greater buying power and prosperity for the merchants and other tradesmen. Total wages and buying powers are increased under the open shop.

6. The open shop means the preservation of the principle of the Revolutionary War, a revolt against outside authority in American affairs. The body politic has established and maintained fundamental principles upon which the happiness and prosperity of this nation are based. Equality of opportunity, freedom of contract and individual liberty are represented and protected in the open shop.

Community Benefits of the Open Shop

1. The merchants, tradesmen, and professional men bene-

fit by the increase total wages under the open shop caused by (a), greater continuity of operations with less unemployment and, (b), more skill workers.

2. Lower prices are made possible by decrease manufacturing costs.

3. Competition is increase, which also tends to decrease prices. Agreements by closed shop leaders to supply workers only to members of certain employers associations, thus preventing other employers from getting business, are impossible. Such agreements make it possible for the members of these employers association to drive other employers from the field and increase their prices.

4. Facts and figures prove that open shop communities prosper and grow. San Francisco is a "union" town, and Detroit is an "open shop" town. In ten years Detroit's wage earners increased from 39,373 to 81,011; in ten years San Francisco's wage earners decreased from 32,555 to 28,244.

Taking the twenty principal cities of the United States. open shop Indianapolis has the lowest "gross debt" and the second lowest tax rate per \$1,000. Open shop Los Angeles has the lowest tax rate per \$1,000 asset valuation of property. Closed shop San Francisco was tenth.

The three towns with the largest population percentage increase from 1910 to 1920—Akron, Detroit, and Los Angeles—are all strong "open shop" towns.

5. Communities prosper as industries come. The Employers Association of Indianapolis reports that in 1920 thirty-one new industries, largely due to open shop conditions, located there. Many industries have left San Francisco because of the restrictive union domination. The Buffalo Chamber of Commerce reports that open shop conditions are now bringing many new industries, which will employ over 20,000 workers.

6. The lessening of friction between employers and walking delegates, and the decrease of sympathetic strikes and jurisdictional disputes, mean less injury and suffering for the innocent bystanders, the public.

THE STEEL CORPORATION AND THE OPEN SHOP

The two outstanding individuals representing special interests involved in the controversy over the closed or open shop, are Elbert H. Gary, the executive head of the Steel Corporation, and Samuel Gompers, the executive head of the American Federation of Labor.

They take directly opposing views upon this, as upon many other important industrial questions of the day.

In this bulletin Mr. Gompers is quoted at considerable length. He has expressed himself frequently, vigorously and in volume upon our specific question. The same is not true of Mr. Gary, though his personal and official convictions have been made clear in public again and again. He has not gone so far and at such length into the merits of the question as a matter of industrial statesmanship. For this reason he cannot be quoted at the length and to the same effect as can Mr. Gompers.

Each debater, whether of the affirmative or the negative is recommended to secure a copy of the report of Mr. Gary's testimony before the Committee on Education and Labor of the United States Senate, investigating the Steel Strike, October, 1919. This has been printed in a separate volume, together with excerpts from numerous addresses made by Mr. Gary on industrial problems, statistics and committee reports. The document will be of much direct and indirect service to debaters on both sides of the question. Probably the Steel Corporation will supply a reasonable number of copies to the debating teams of Oklahoma. We suggest that one copy for both of the opposing teams in a given town will suffice. Agree between you who shall send for it to be used by all of you interested in the same town and state the fact in your letter. It is a bulky volume, and there must be considerable expense involved in printing and mailing.

As stated above, Mr. Gary's views on the Open Shop cannot be presented in as orderly a form as can those of Mr. Gompers, but scattered through his testimony before the Senate Committee there are references to the open shop and expressions of his views. Following are some of these passages:

As I said in my letter to the President, this question of unionism, gentlemen, all comes down to the one question of an open shop or a closed shop. If you make contracts with labor unions, if you recognize the leaders of labor unions, it forces everyone to go into the unions and that means a closed shop, and one who is not a member of a labor union cannot get employment there. We stand for the open shop. We insist that the men can come into our shop and work for us and stay there whether they belong to a union or not, and we never ask the question.

Senator Borah: I saw a statement published in a paper in which you stated that you could not arbitrate this matter because of the moral question involved. Now, it seems to me that underlying all this controversy must be some fundamental principle which is fastened in your mind as a guiding proposition for your conduct and for your actions in regard to this matter; and aside from the

question of wages and hours of labor and the manner in which the men have been taken care of, I think the whole committee would like to know what you deem to be the fundamental issue which you cannot arbitrate or consider in connection with the representatives of these men. Will you state what you conceive to be the fundamental issue or the moral question which you said was involved which you could not arbitrate?

Mr. Gary: Well, Senator, the fundamental issue, as I conceive it, is the question of an open shop or a closed shop, the question of allowing a man to work where he pleases, whether he belongs to a union or not, and the right of an employer to employ a man in his shop whether the man is a union man or not. I believe that it is well known all over the world and is the opinion of a large majority of the people of the world that the open shop is essential to progress and prosperity, and that the closed shop means less production, less work, higher costs. * * *

I think it is immoral for a small minority of men, organized, if you please, to compel by force a large majority to yield to their desires and to submit to their control. Because if the industries of this country or any other were controlled by union labor, as it would be if these gentlemen are successful—and I am not dealing in personalities—it would mean decay, less production, higher cost; and this country could not succeed in its contest with other countries for the world's business, it would be in a condition that I fear England is in today, but which I hope it will come out of.

Now, I think when a few men, comparatively speaking, seek to impose their will to forcibly secure control of a business against the wishes of a large majority, that is immoral. That is my opinion of that. And here were outsiders, bear in mind, rank outsiders, who stated publicly away back at the St. Paul meeting, and it was testified to here before this committee, that they were starting out to organize the steel industry, which they had failed to accomplish in the past; that was their view; not for the purpose of securing better pay, better conditions; none of the twelve points which have been made since this strike was called, I think, was mentioned. We have never heard anything about those twelve points; none of our men have made any complaint; but these men were forcing themselves into the steel business, to unionize it all and to get control of it. And what would happen if they got control of it? Is there any man here who has had any experience with organized labor who does not know?

Senator Borah: * * * but underlying the proposition is the other question, as to whether or not great industries are willing to recognize the representatives of unionized labor, and to deal with them.

Mr. Gary: Senator, I should like to answer that question in just this way. We are not willing to do anything which we believe, after consideration, amounts to the establishment of a closed shop as against an open shop, or that tends to do that. We stand firmly on the proposition, that industry must be allowed to proceed untrammelled by the dictates of labor unions or anyone else except the employer and the employees and the Government. That is where

we stand.

Senator Borah: That is really the issue, as you conceive it to be, in this controversy.

Mr. Gary: It is.

The Chairman: You concede the public have some interest in that, do you not?

Mr. Gary: The highest, Senator. They are to be first considered. All private interests must yield to the public necessity and the public good.

Senator McKellar: When you spoke of the Government you meant the people?

Mr. Gary: I meant the people, of course.

Senator Borah: Without assuming to argue the question one way or the other, if labor cannot deal with the great industries of the country collectively, do you think that it would be practical, or practicable or possible for labor to maintain itself and its rights, its wages, and so forth, as against combined capitalism? Can labor deal with capital without dealing with it in the same way, combined and collectively?

Mr. Gary: I think labor can deal collectively, and it ought to be encouraged to deal collectively, and it ought not to be prohibited at any time from dealing collectively; but dealing collectively in the form of committees, or however they themselves may decide, is one thing, and dealing collectively as insisted upon by the labor leaders, which means that the union labor leaders shall decide all these questions, and shall represent the men, whether they are asked to or not, and will establish a basis for the closed shop which would shut out the individual voices of these men practically, is quite a different thing.

* * *

Senator Phipps: Judge Gary, what influence do you think the open shop method of operation as against the closed shop would have on production and the pay that the workmen would receive?

Mr. Gary: The closed shop of course means less production; it means less hours; it means higher wages. You understand I am in favor of higher wages, liberal wages, but there is a point where you must stop as a matter of course, because if the workman increases his wages then his employer increases the selling price of his product. He is working against himself all the time; they are pulling against one another. My idea is to establish a fair basis.

The Chairman: I notice in the "principles and policies to govern relations between workers and employers in war industries for the duration of the war," this proposition is laid down:

Right to organize. The right of workers to organize in trade unions and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the employers in any manner whatsoever.

Did you subscribe to any such doctrine as that for war times?

Mr. Gary: It depends upon what you mean by collective bargaining. If you mean the collective bargaining that the labor

unions are now claiming to insist upon, we did not. If you mean the right of men through committees to present their questions, or any question, yes, in principle. We had nothing to do with the War Labor Board.

Senator Walsh: Judge Gary, let me see if I understand your position. You recognize the right of working men to organize?

Mr. Gary: Yes.

Senator Walsh: You have no objection to unions in your plants. Is that right?

Mr. Gary: I do not know what you mean by that.

Senator Walsh: You recognize the right of the men to form unions

Mr. Gary: Yes.

Senator Walsh: But you refuse to confer with the representatives of the unions?

Mr. Gary: Yes.

Senator Walsh: That is right. Now, what good is there in men having the right to organize if their employer refuses to recognize their officials and confer with them?

Mr. Gary: What good is it to them?

Senator Walsh: Yes, of what value is the right of working men to organize if their representatives can not talk to their employer?

Mr. Gary: Could that not be answered by saying if 10 percent of the men join unions and secure a contract with the employer, with the labor representatives of that 10 percent, that they then should have the right by so doing, the minority, to drive or to force or to influence the 90 percent of the employees to join the unions? Because that is the inevitable result. Would that be right?

Senator Walsh: But is not your position secure when representatives of organized labor come to you and you say they only represent 10 percent, and you say to them, "I can not talk with you, I can not discuss this matter, you only represent 10 percent of my employees, and I want the other 90 percent represented or I have the right to assume they are not discontented." You could take that position, could you not?

Mr. Gary: In conversation, do you mean?

Senator Walsh: Is it not a question of fact for you to determine how many the representatives of organized labor represent?

Mr. Gary: Yes, quite right.

Senator Walsh: Not to assume they are a minority simply because you get letters from their representatives, and to take the position that they are only a minority. Is that not a fact which you could have determined after conferring with them? Men do not make public their membership in unions.

Mr. Gary: You will remember I said in my letter, they had said to me, "We represent your men," and I said that "I do not think you represent them." Was that not equivalent to disputing the fact?

Senator Walsh: But the union men in the shop, where, they know their employer will not recognize their unions, do you think

those men will make public their membership? Do you think your superintendents and foremen would know every man in your plant that was a member of a union when they knew that you were not in sympathy with unions?

Mr. Gary: I do not think that, but I do think that with ordinary years and intelligence, if employes came to him in large numbers so he knew they were a majority, saying they did not belong to unions and they did not care to have a small minority control a shop, I think he would get it that way.

Senator Jones: But your position is the same even if 90 per cent of your men were unionized you would refuse to meet and to confer with their representatives, as I understand you? Is that true?

Mr. Gary: I have not said so; I do not say that.

Senator Jones: Have you not said you refused to recognize the officers of unions, that you would not even talk with Mr. Gompers? Have you not said that here?

Mr. Gary: The trouble is you do not——

Senator Jones (interrupting): The reason you are not conferring with them is because you think they represent only a minority, or is it because you are hostile to the representatives of organized labor conferring with you? It is one or the other.

Mr. Gary: Senator, I refuse to change my thought or my expression, in substance, and that is that we refuse to do anything that will result in the closed shop as against the open shop, and that is where I stand.

* * *

* * * I put ourselves squarely upon one issue, and that is the open or closed shop. Now, as to what will bring about a closed shop, as opposed to the open shop, we must decide from time to time, depending upon the facts as they are presented.

* * *

Senator Jones: * * If there should now be a disclaimer of any intention to put into force in your plants what you have called the closed shop, which other people would call the unionized shop, would you be willing to consider any matters on that basis, and talk with people about any of the subjects which have been suggested for discussion—the twelve points, for instance?

Mr. Gary: Senator, a statement of that disclaimer would not satisfy me; it would be contrary to anything that has ever been done; and I express the opinion that if they made such a disclaimer in good faith it would not be long before they would be eliminated from the labor union organizations, and other men with different views, substituted to carry on the work of unions. I base my opinion on past experience in this country and other countries. The mere statement that such was their intention would not satisfy me. Indeed, as I have told you, I have been informed that it was their intention, in order to get control, and then do what was necessary later. That comes from a pretty important member of their organization, and I know he has made the statement.

At the annual meeting of the stockholders of the United Steel Corporation, April 18th, 1921, an extended statement was made

by Mr. Gary, as the executive head of the corporation, which has been published under the title, "Principles and Policies of the United States Steel Corporation." This discussion covers a wide range of questions. Portions which touch more or less directly upon the matter of the open shop policy of the Corporation are quoted below:

During the twenty years of our existence there has not been material hostility shown or serious complaint made to the management by our workmen themselves, either individually or in committees or groups formed by them (as permitted by our practice), which has not been cheerfully considered by the management and promptly disposed of to the mutual satisfaction of both parties.

Obviously it is for the pecuniary interests of both employer and employe to avoid controversy and to maintain peaceful and satisfactory relations. No outsider could or would be as solicitous for the welfare of the employe as the employer, nor for the employer as the employe. Success for both depends upon friendly relations; failure for both results from hostility. Both realize this and, in the present age, act accordingly, unless unduly influenced by outsiders who, from personal and unworthy motives or from a desire to attract public attention or from misguided zeal or lack of experience and information, are misled into a position which is harmful and unjustified.

As a result of these conditions, misrepresentations are made; some with good intentions, but more frequently from improper motives.

The management of the Steel Corporation has steadfastly striven to cultivate a feeling of amity with the workmen and has been very successful.

* * *

Of course, under some circumstances, as the result of coercion, threats, insults or wild promises, members of the unions, not previously consulted, may and do temporarily join a movement precipitated by the leaders and thus for a time nominally increase their membership.

If a workman desires to join a labor union he is, of course, at liberty to do so, and in that case he should not be discriminated against by an "open shop" so long as he respects the rights of his employer and his co-employees and in every way conforms to the laws of the land. The "open shop," as heretofore publicly defined is what we believe in and stand for.

But still, our opinion is that the existence and conduct of labor unions, in this country at least, are inimical to the best interests of the employes, the employers and the general public.

* * *

The workman, if he belongs to a labor union, becomes the industrial slave of the union. He has no power of initiative or opportunity to apply his natural mental and physical capacity. If our own shops should become thoroughly unionized and all others likewise should recognize the unions, and the steel industry should become entirely organized, as the leaders have openly attempted,

then the management would be in the hands of the unions. Some of you have, no doubt, personally seen or read of the results of complete organization by the unions in certain lines.

The natural and certain effects of labor unionism are expressed by three words: Inefficiency, high costs. And be it remembered that in the end the general public, which is more interested in the selling price of all products, must pay for extortionate, unnecessary and unreasonable costs of production. It is primarily, fundamentally and finally interested in the existence and conduct of labor unions.

* * *

The end sought by labor union leaders, that, at least, to which their efforts tend, means disaster and destruction.

* * *

I would not intentionally do an injustice to any union labor leader, nor to a labor union. But I firmly believe complete unionization of the industry of this country, as attempted, would be the beginning of industrial decay.

* * *

It seems to me that the natural, if not the necessary, result of the contemplated progress of labor unions, if successful, would be to secure the control of shops, then of the general management of business, then of capital, and finally of government.

Tho it is going afield from our immediate question, it may be proper to point out that in this connection Mr. Gary proposes as a "possible solution" of the industrial problem a possible "antidote to the labor union problem," in "laws—clear, well defined, practicable and easy of comprehension—covering these matters." "I do not believe in socialism; in Governmental management or operation; but I do advocate publicity, regulation and reasonable control thru Government agencies."

In the matter of Collective Bargaining Mr. Gary's statement shows caution, observing that other corporations are experimenting in this field, and that the Steel Corporation is watching these with interest, ready to profit by either their success or their failure.

We do not endorse experimentation, especially concerning workmen, unless it seems practical and reasonable. I venture the individual opinion that any plan which seeks to deprive the investor of the control of his property and business is inimical to the fundamental ideas of our country and to the public welfare. Any step in this direction is to be deplored. Any nation which adopts it will fail to maintain a leading position in industrial efficiency and progress. A man, or group of men, contending for a different attitude, is opposing self-protection and interest.

It is a fair and wise conclusion that anyone claiming the right to a voice in the management of the property of a corporation should do so thru a stockholding interest, and thus share responsibility and liability and profits with all other stockholders.

Our employes in groups, or as individuals, at all times, have access to the office of the foreman or to any other superior officer, even to the highest.

CAN LABOR UNIONS SURVIVE IN THE OPEN SHOP?

This is a question much discust in quotations scattered thru our pamphlet. Others besides partisan and selfishly interested labor leaders will consider the question vital to our general discussion. Many employers and independent publicists magnify the service which the trade union has renderd to American industry, scarcely less than do the union leaders themselves. The effect of the open shop upon the unions is therefore of great significance.

As a further contribution to this discussion we reprint an editorial from "America at Work," for January 19th, 1921. It is entitld "For Labor Unions: A Receipt for Immortality." The editor manifestly believes that the road leads thru the open shop. The union labor leader might be inclined to agree with him that immortality would thus be insured, in so far as death is the necessary condition precedent to that beatific state. The article has good material for our debators.

If the labor union wishes to get a firm grip on the principle of immortality in organization life, it must stop thinking so much about organization and think very much more about the essentials of the cause of the working man.

At the outset, it ought to turn its back now and forever on the narrow view which makes everything turn on the possession or non-possession of a union card.

It ought to declare that its interest is in but three things

Good working conditions, good wages;

And the highest possible standard of craftsmanship;
and place its approval on these things wherever found.

It should take the ground that it has no quarrel and no cause of difference with any industrial organization, organized or un-organized, union or non-union, where wages, conditions and output meet certain tests.

It ought to make its campaigns wholly on the basis of the service it is capable of rendering.

This would necessarily imply the working out of definite standards, which, taken together, would constitute the labor union standard of industrial health, fairness and well-being.

The labor unions at present have no definite standards.

We do not mean to say that they have no definite requirements; they have. But a requirement and a standard are two very different things.

A requirement is a thing demanded; a standard is an unchanging unit to measure other things by.

The difficulty, for example, in attempting to satisfy an unreasonable child is that the child is so definite as to requirements, and so indefinite as to standards.

A real labor union standard would have to be founded on a real philosophy—a complete and well-thought-out working theory of the relation of the workman to industry.

No mere disposition to increase wages from time to time as much as may be possible can possibly fill the place of such a theory.

If organized labor is to take a permanent and recognized place among the institutions of the time, it cannot do this by any mere display of power; whatever the late War did or did not prove, it proved that—

The mere display of power is the last thing in the world that insures the immortality of party, caste, or government.

Modern men do not back down before power as such at all; they only yield respect to the foundations of power; and power in a democracy can have no permanent foundation except in service.

America at work does not for a moment deny that labor unions are being opposed today by prejudiced men, by narrow men, by men of feudal instincts, and of child steel selfishness. But this is not the opposition that counts. It is not the opposition that need be reckoned with.

Labor unions are also being opposed today, not in blind prejudice and hot blood, but in response to the verdict of the sober second thought, by a large group of enlightend Americans who recognize the fact that

All "closed shop" organizations are despotisms.

It makes no difference what kind of organization is in question.

It may be a church to whose leaders there is no grace of God and no power of God save where a particular ecclesiastical name is blown in the bottle.

It may be a university which recognizes no culture without an academic degree.

It may be a school of medicine which fails to understand that the law of health is, the law of prevention and not of cure.

It may be a political party or administration to which all wisdom is concentrated in one party and no patriotic service is worth anything unless tagged with a particular party label.

Or—to illustrate from the field we are discussing — it may be simply a labor union, which cares not a copper how good a workman a man is, what wages he gets, what shop conditions he works under, or what his citizenship and his labor are worth to his fellowmen and asks only whether he has a union card. All such organizations are doomed.

To put the emphasis on organization, and not the end of organization, is to cherish the container and forget the contents.

Either the labor union of the present day has a definite theory as to the desires and demands of workingmen at the hands of society or it has not.

If it has not, it is the blind leading the blind, and the greater its power the more certain it is to end in the ditch beside the road.

But above all things else the labor union must regard the union first and last as only a means to an end.

It must be willing at any time to modify its form, change its machinery, abolish old plans and substitute new ones, if circumstances indicate that the happiness and prosperity of workers thru more efficient service by high-class craftsmanship point that way.

In suggesting this, we are not setting any impossible standard. We are not supposing for a minute that editing union labor charters and constitutions could edit selfishness and shortsightedness out of human nature.

We are only asking that union labor go as far as modern churches and schools, modern physicians and insurance companies have gone in putting the emphasis on the end and not the means, on the aims of the organization and not on membership in the organization itself.

The closed shop idea runs square against all the essentials of modern democracy—for the way of democracy is to test everything by service, to go back of the label and try the contents.

When the American Federation of Labor becomes enlightened enough to declare that it is interested to push itself only in those parts of the labor field that need its help in order to attain the ends of good wages, good conditions and high craftsmanship — when it proclaims this creed in public and lives by it in private, then and not till then will its power be of the kind that endures.

"He that saveth his life shall lose it"—
is as true of organizations as it is of men.

If a man or an organization wants to make itself desired and cherished for all time, the way to do it is to forget itself in the widest possible service of its cause.

OPEN SHOP AND CHAMBER OF COMMERCE PROPAGANDA

In numerous instances thruout the country the Chambers of Commerce has thrown the whole weight of its influence against the union or closed shop and for the open shop. Naturally this has occurred only in the cases of that type of Chamber of Commerce which does not admit labor representatives on equal footing with employers. This latter type of organization is becoming more common, but there are many of the older type thruout the country. Not all employers have joined in the campaign for the open shop and not all members of the numerous Chambers of Commerce, Boards of Trade and Business and Commercial clubs who have pronounced for the open shop have personally given their approval. Any more than all the members of the churches have approved of the activity of church agencies in resisting the open shop campaign.

As an illustration of the activity of many Chambers of Commerce, there is quoted below the text of a large newspaper display issued by the Industrial Relations Committee of the Philadelphia Chamber of Commerce, which appeared in the Evening Bulletin for March 19th, 1921. In bold black letters which the printers know as 36-point the heading reads: "WE STAND FOR THE "OPEN SHOP." The following text occupies half of a newspaper page.

An "Open Shop" is one wherein any man can work who wants to. Its name distinguishes it from the shop which is closed to all men who do NOT belong to a labor union.

The "Open Shop" is by no means new. American industries were all organized on the principle upon which the "Open Shop" rests. The "Closed, or Union Shop" is a relatively new departure.

There are several marked differences between the "Open" and the "Closed Shop." In the "Open Shop" the employer selects his employes for their ability; in the "Closed Shop" employes need no qualification other than membership in the union — and they are not allowed by the union to work there unless they are members of the union. In the "Open Shop" the employer determines the quantity and quality of the output; in the "Closed Shop" the output is regulated by union officials, who need have no interest in either the shop, the product or the city. In the "Open Shop" the conduct of the establishment is regulated by the employer, who has the welfare of the industry, the employes and the city at heart; in the "Closed Shop" the industry is regulated by radical leaders, whose interests are entirely personal.

In the "Open Shop" the working hours are devoted to productive work; in the "Closed Shop" union affairs are forwarded in hours paid for by the employer. In the "Open Shop" every man

is paid according to his ability; in the "Closed Shop" employees engaged in the same work are paid the same daily wage.

In the "Open Shop" a man may increase his income by his industry and initiative; in the "Closed Shop" neither virtue is encouraged.

Almost without exception, the leaders of American industries are men who have been employees. With "Closed Shop" conditions their opportunities would never have arrived. The "Open Shop" opens the gates of opportunity for workers; the "Closed Shop" locks them.

The basis of the "Open Shop" is a full day's work for a full day's pay.

* * *

We do not question the right of labor to form unions. We are not seeking to destroy labor unions. There is, however, an element in labor unions, particularly among the paid leaders, who, thru self-interest, seek to use the unions to create industrial unrest, misunderstanding between employers and employees, and to limit production.

These men, through misrepresentation and specious arguments, seek to impress their unlawful and un-American ideas on the rank and file of union membership. These paid leaders are largely responsible for the attempt to impose the "Closed Shop," with its lack of opportunity to the worker, on American industry.

The "Closed Shop" is the thin edge of the wedge to make union labor a privileged class — exempt from legal or moral obligation to the laws and Constitution of the United States.

The "Closed Shop" would eventually deprive us of our rights of citizenship — of our blood-bought freedom — it would nullify the Constitution of the United States.

As patriotic, freedom-loving citizens, in common with every true American institution, we oppose the "Closed Shop" and stand unequivocally for the "Open Shop."

THE CLOSED SHOP AND COLLECTIVE BARGAINING

Murray T. Quigg, of New York, writes a letter to the WEEKLY REVIEW, published in the January 26th, 1921, number, in which he maintains that a closed shop would completely preclude the possibility of "collective bargaining," which labor leaders and much of the general American public consider to be of such prime importance in the present-day industrial world.

The principal reason for the existence of labor unions is that the employer of labor is, generally speaking, so free from the necessity of employing any particular person that he does not have to bargain as to what he will pay for labor. Subject to the laws of supply and demand, he has only to decide what he thinks it necessary to pay a workman to live for a day, so that he can come back the next day and work some more. This applies also to the number of hours the workman must toil and the factory

conditions under which he must work. Under such an economic condition there is no bargaining, either collective or otherwise.

The existence of a union able to control its members and to maintain a morale under discouraging circumstances puts the workman in a position to force the employer to discuss the price of labor and to make a better offer than he would under other conditions. But even with the trade union in existence, he does not have to bargain with it. By delay and expense he can procure independent workmen. Even if he cannot man his entire factory with independent workmen he can perhaps employ enough men to keep it going. The presence of independent workmen provides a competitive element in the labor market which makes the agreement finally reached between an employer and a labor union in its nature a real bargain. But if there be no independent workmen available, if the union is the only source of labor supply, the employer is just as unable to bargain as the workman was when there was no union.

In a closed shop surrounded by closed shop conditions there is no bargaining, collective or otherwise. You pay the price that labor demands, or you go out of business. The fewer employers in a trade a particular community, the better it is for the labor organization. If it can force all of the business of its trade into the hands of one or a small group of employers and make a contract with that employer or group, then all of its members, working for the same employer or group, will work under the same conditions. No one will have a grievance, except the man who thinks he is a little better than the rest and would like to be free to work at his own rate and on his own terms. He is a nuisance to the labor organization, but as final remedy he can always be tried for some violation of rules, expelled and blacklisted from the trade.

TRYANNY AND THE CLOSED SHOP

The wide-open shop leads to tyranny of employers, contend labor leaders and large numbers of publicists, who cite the records of industrial history in proof. The tight-closed shop can be and is no less tyrannical, contend those who also cite incidents in recent industrial history. Thus it often transpires that those who are contending against a closed shop are in substantial agreement with those who are no less vehemently contending against an open shop. Both are opposed to tyranny. One party has seen the evil practist in the open shop and the other has seen it in the closed shop.

A great amount of argument has been employed to show that the so-called open shop is a shop closed against all union workmen. Another great amount of argument has been devoted to revealing the alleged iniquities of the closed shop, by advocating an open shop, without regard to checks upon the tyranny of unfettered employers. Murray T. Quigg, writing in a letter published in the

WEEKLY REVIEW for January 26th, 1921, a portion of which is quoted elsewhere under another topic, contends vehemently against the closed shop, but proposes an alternative which is not the open shop of the type which leaves the workman at the mercy of an irresponsible employer. He desires to perpetuate the element of bargaining, as between employer and employe, but neither must be permitted to gain such power as to drive the bargain mercilessly.

In view of the moral issues involved in the closed shop, it is difficult to understand how any one can be of an open mind about it. Assuming the existence of a job, there is only one reason for employing a man, and that is that he is the best man available to fill the job. Any other reason for employing him is a false one. Since this is obvious, why should any one suggest that a man be employed because of his membership or non-membership in a union? * * *

The science of life is the science of values. It is as true in the industrial world as in everything else. We wish a medium through which the employer of labor and a representative of labor can meet and determine the value of the services which the workman is rendering. Today we have neither standards nor machinery for determining standards by which to gauge the value of services. All that we determine is the price which represents the deadlock of force between employers and employes. If an industry cannot afford to pay its workmen wages which are sufficient to enable them to live decently and properly, to educate their children it should not employ them, and within the near future the state will probably forbid such unsound employment.

* * *

The issue of the closed shop is upon us. Red-blooded men must make up their minds. It is the issue of tyranny against liberty. The right of workmen to concerted action in driving a wage bargain is not involved. The right has been exercised time and time again in open shops and exercised effectively.

Society is interested and it will not be satisfied until the price of wages represents a value and not the deadlock of force.

THE UNIVERSAL CLOSED SHOP.

If not the open shop, then the closed shop. Many labor leaders insist that the one or the other must be chosen. Many employers entirely agree with them. The two groups differ as far as the poles when it comes to deciding which it shall be. But the two groups are agreed that it should and must be one or the other. A large number of other persons see the possibility of and believe in a kind half-open, half-closed shop.

Debaters upholding the negative of our question may stand with the union labor leaders or with these "other persons." An

editorial in the WEEKLY REVIEW, January 26th, 1921, presses the argument against the advocates of the closed shop.

Union labor leaders constantly have as their objective the universal closed shop. They regard non-membership in a union in any trade in which there is a union, as treason to the cause of labor. The attitude is quite intelligible. But there is no reason why intelligent persons, looking at the matter from the standpoint of the general public, should assent to the notion that the labor unions must be either everything or nothing. A union may be powerful without being omnipotent. If it succeeds in bringing into its organization a preponderating, or even a very large, body of the workers in the trade, it can exercise powerful pressure upon employers in behalf of any reasonable — and, if circumstances favor it, even of very unreasonable — demands. Yet many persons see no distinction between opposition to the closed shop principle and opposition to the whole system of labor organization. They do not stop to think either of the large possibilities of united action which union labor can avail itself of without proscription of non-union labor, or of the intolerable situation which would arise if such proscription were complete. In that situation we should all be at the absolute mercy of the labor unions; they could at any moment enforce any demand they might make by the threat of paralysis of the whole activities of the community. It is the privilege of the members of a union to refuse to work alongside of anybody who is not a member of a union; and if the union is sufficiently strong, it may, by making use of this privilege, be able to compel any given employer to accept the closed shop principle. But likewise it is the privilege of any employer to refuse to accept that principle. Those employers who are doing so, and who, in doing so, are not resorting to measures that are in themselves oppressive or unlawful, are fighting a good fight for all — a fight against the reduction of the country to a condition of subjection to arbitrary class rule.

MAINLY FOR THE NEGATIVE

DECEPTION IN THE "OPEN" SHOP

Much of the discussion claiming to set forth the open shop as a "great and glorious principle" of Americanism, is swept aside not only by union labor leaders, but by publicists not members of or otherwise identified with the labor unions. They maintain that this principle is not involvd, but that the campaign for the open shop is designd to "pull the wool over the eyes" of the public, while employers re-assume the arbitrary control over industry of which recent legislation, and the vigorous measures adopted by the union movement, have tended to deprive them.

This view is set forth with characteristic vigor by Samuel Gompers, President of the American Federation of Labor, in the article printed below. This is supplied by Mr. Gompers' office in Washington in mimeographed form, and has doubtless been re-printed at various times and places.

The term "Open" Shop was coined to deceive. Union men are not permitted to work in the so-called "open" shops if the employers know the applicant is a member of a labor organization. The employers want the so-called "open" shop because their employes must accept any wages, hours of employment or working conditions fixt arbitrarily by the employers. This is autocracy in industry.

Enemies of Labor, those employers who believe in autocracy in industry, term the non-union shop the "open" shop. They clothe themselves in a cloak of righteousness and hypocritically declare that the "open" shop is an "American shop where men are free to work out their own destiny." They denounce labor organizations and charge them with destroying all ambition in the workers.

If the "open" shop is such a wonderful and "patriotic" institution why is it that in all history there is not a single case where the employes in a union shop went on strike to compel the establishment of an "open" shop? But there are many thousands of cases of employes ceasing work to compel an employer to grant the union shop. You never hear workmen extolling the virtues of the "open" shop, where wages are fixt arbitrarily by the employers. Working conditions are also determind by the employers. The employes have nothing to say as to their wages, hours of employment or working conditions.

Where the employes are unorganized the employer is at an advantage. Fear of discharge compels the employes to accept conditions to which they secretly and sullenly object. Those who would establish the "open" or non-union shops are un-American

because they take from their employes the right to have something to say about what they shall receive in payment for their work, while at the same time the employers maintain the right to organize and act collectively in all matters pertaining to their own business affairs. I know of no case where both union and non-union men work under union regulations. This is an anomaly. There are cases where union men work in non-union shops, but it is what is termed "under cover;" that is, their presence is not known to the employer.

The "open" shop cannot destroy the labor unions, but the employers who are unfair believe that it is the greatest weapon they can use to accomplish that end. Trade unionism is a symbol of those things which are best in life. It is a real living thing which the toilers love and cherish. And the soul of the movement is the hearts and lives of those who have built themselves into it by sacrifice and toil. Those who would destroy the trade union movement wish to take from the workers the right to carry out the following declaration made in 1910 by the A. F. of L. convention of that year:

"Organized labor contends for the improvement of the standard of life, to uproot ignorance and foster education, to instill character and manhood and an independent spirit among our people, to bring about a recognition of the interdependence of the modern life of man and his fellowman. It aims to establish a normal workday, take the children from the factory and workshop and place them in the school, the home and the playground. In a word the unions of labor, recognizing the duty of toil, strive to educate their members, to make their homes more cheerful in every way, to contribute an earnest effort toward making life the better worth living, to avail their members of their rights as citizens and to bear the duties and responsibilities and perform the obligations they owe to our country and our fellowmen. Labor contends that in every effort to achieve its praiseworthy ends all honorable and lawful means are not only commendable but should receive the sympathetic support of every right-thinking progressive man."

Certain employers want the trade unions destroyed, but they are few in proportion to the number of employers in America. If trade unions could be destroyed there would be no organization to contend for the principles declared above, for the trade union movement is the only movement that has for its true purpose the economic advancement of humanity.

IF NOT THE OPEN SHOP—WHAT?

The affirmative debator, after setting forth his case, may be inclined to turn upon the debator for the negative, and ask, "Since you do not believe in the open shop, what do you believe in?" The negative may not be disposed to reply "The closed shop." Has the debater for the affirmative the right to force him to say that? Do the terms of the debate force him to make any

reply? Will it be considered sufficient to win his case if he demonstrates that the open shop is not the solution of our serious industrial problems?

However those questions are answered, the debaters on both sides may well find out what program or programs are being advocated instead of the open shop. Therefore another extended article is printed here from Samuel Gompers, President of the American Federation of Labor. This is issued in pamphlet form by the Washington office of the Federation, under the title, "The Union Shop and Its Antithesis."

The synonyms for "union" shop and "non-union" shop respectively are "democracy" and "autocracy." In the union shop the workers are free men. They have the right of organizing in trade unions and to bargain collectively with their employers through representatives of their own choosing. Employees in the non-union shop are like cogs in a machine. They have nothing to say as to the conditions under which they will work, but must accept any wages, hours and working conditions that may be fixed arbitrarily by the employer.

A non-union man who accepts employment in a union shop has the privilege of joining the union which has a voice in determining with employers the wages, hours and conditions of work. He is given time in which to make application, if he so desires.

No union man, if known, is permitted by the employers to work in a non-union shop.

Men who believe that the Chinese Exclusion law should be repealed, who believe the Literacy Test should be repealed, who believe that hordes of illiterate immigrants from southeastern Europe should be permitted to enter the United States as freely as citizens of this country pass from state to state, are the men who object to the union shop. They believe in autocracy in industry. They hope to use these hordes to lower the standard of living of the workers of the United States. Furthermore, they will fight to the last ditch to prevent the taking away from them of the arbitrary power of dictating wages, hours and conditions of employment to the workers in their employ.

Most relentless propaganda has been used to discredit the union shop and to hold up to the public the great benefits of the non-union shop. No more malicious misrepresentation of a desirable condition in industry ever was launched. It began in the early 1900's when a number of associations were formed to destroy the trade union movement. Lawyers were employed to travel about

the country delivering addresses, all of which were confined to denunciation of labor organizations. The most venomous charges were made against them.

Judges were influenced by this propaganda to decide that the union shop was illegal. The opinions of these judges contained most bitter statements against the workers who had had the temerity to organize. They were charged with being non-progressive obstacles to the welfare of the country, and un-American. These opinions were heralded through the newspapers as the turning point from which the trade unions would gradually disintegrate. Employers' associations, citizens' alliances and organizations of many other names composed of employers or their agents kept up a perpetual criticism of Labor.

The reason was purely selfish. The antagonists of Labor believed that if they could destroy the trade union movement, wages could be reduced to a low standard; that it would not be necessary for them to safeguard the health of their employes or build plants in which the machinery was so protected that it was of less danger of injury to the workers.

When Labor sought the enactment of laws providing for compulsory education it was such men who fought them most viciously. The latter believed if the children of the workers were permitted to go to school that when they grew older they would demand better conditions of employment than their fathers. It is for the same reason they have been and are now demanding the non-union shop.

It is the principal method used to repress the workers, to browbeat them and keep them in perpetual fear. To make Americans is none of their concern. They do not care whether their employes are loyal citizens or not as long as they can have their goods manufactured at less cost than a fair-minded employer of Labor.

But this propaganda that stirred the country in the early 1900's reacted. The people learned that the men who were employed in union shops were possessed of better characters and higher principles that made them more intelligent, proficient, and productive workers than those employed in the non-union shops. Besides it made them better citizens.

Furthermore, investigations made by many employers taught them that collective bargaining with organized workmen brought greater results than the arbitrary fixing of conditions for the non-union workers. Gradually the benefits of the union shop

became better known. Employer after employer changed his attitude and voluntarily agreed to the union shop. There are many thousands of employers in the United States who are conducting the union shop and would not change under any circumstances.

But after the armistice was signed the profiteers in order to hide their nefarious practices launched a bitter crusade against the union shop. It has reached high tide and will soon recede, as the public, and especially the non-union workers, are beginning to realize that the only hope for relief is in organization. This has been exemplified in the past year by more than a million men joining the organized labor movement, until now, July, 1920, there are 5,500,000 organized workers in America.

The repeated crusades against the union shop have been boomerangs. They have called the attention of the non-union workers to their economic plight.

When the American Federation of Labor was organized the big cities of the country were filled with sweat-shops. The tenement house system in New York was so abominable that the legislature, through the insistence of the American Federation of Labor enacted a law for its abolition. It was most highly injurious to the health of the workers on sanitary, economic, moral and social grounds. Whole families lived in one room where cigars and clothing were made by women and children.

It was the trade union movement that gradually drove the sweat-shops from the tenement houses and compelled the establishment of factories in well-ventilated buildings. The sweat-shop was the non-union shop.

The sweat-shops were not abolished, however, until the workers were organized and demanded sanitary working conditions. This required the establishment of factories. The factories were union shops. While the bread-winners of families who lived in the tenement houses were at work in the factories, their dependents gained health in the improved living surroundings because of the law forbidding home work.

Those now living who in the early eighties were employed in the large plants of the country realize the great improvements made in the conditions of employment. It was not until the union shop was demanded and largely secured that these economic benefits were gained.

It is because Labor is continually seeking improvements in working conditions and the standard of living that the objections are aroused of those who desire to keep the workers servile. Upon

what other grounds would employers oppose the organization of the workers? What other reason could be given? They are the men who clothe themselves in the cloak of piety and raise their eyes upward in horror when they hear anyone speak of the union shop. They stand in the way of progress as others have done since the beginning of time. They are the reactionaries who believe in involuntary servitude. They are the men who seek legislation to tie men to their jobs. The union shop is an obstacle to their dreams of autocracy in industry. Therefore they seek to make the union shop detestable in the eyes of the people while the non-union shop is lauded as the greatest harbor for "free" men that could possibly be conceived.

But employees in a non-union shop soon find out that they are not free men. When they enter such a plant they leave all hope of economic improvement behind.

What is a union shop?

A union shop is a shop where the employees are members of trade unions or are willing to join. The workers through representatives selected by themselves meet the employers in the industry on a common ground. They hold meetings in their unions in which all grievances they may have are thoroughly discussed. These include wages, hours of employment and rules covering their health, safety and comfort.

The union shop represents true democracy in industry. There are no class distinctions or autocratic rulings to disturb the best relations between the workers and their employers. The right of organizing into trade unions is conceded. Employers and employees meet as man to man. Each respects the other. The employee is a willing worker and the employer keeps the part of the bargain he has made with the workers through their chosen representatives.

What is a non-union shop?

A non-union shop is where the workers who are unorganized are employed as individuals. Their wages and hours of work are determined without consultation with them and without their consent. If the worker has grievances he is unable to present them. Fear of retaliation by the employer or his representative in this plant keeps the worker from making complaints. If he does complain he obtains no redress. Consequently, the workers work day in and day out, week in and week out, in fear of discharge. This artificial atmosphere is created for the purpose of forcing the employees to greater exertion. Peacemakers are scat-

tered throughout the plant for the purpose of keeping this perpetual fear of losing their jobs before the non-union worker.. But this fails. The unorganized workers become morose, sullen and rebellious. There is no comradeship among such employes. Consequently they work under duress and without enthusiasm for their employment.

An autocratic power may dictate any rule that may be conceived. No protest can be made by the non-union workers, as they have only fear for each other, the fear that if they voice their disapproval of the conditions under which they work some fellow worker would report it to a "straw boss." That would mean separation from their jobs.

Why is the union shop preferable?

Countries grow great as their people increase in confidence and loyalty. Men who are congenially employed who can hold up their heads and say what they think without fear of the headman's axe separating them from their employment make real Americans. Only in union shops can men be found who are striving for better conditions of employment in order that they and their dependents can enjoy life and happiness. They do not enter the plants in the morning in fear and trembling that some superlunary will meet them with stinging, unjust criticism.

It is always noticeable that "straw bosses" in non-union shops are burly men whose very looks inspire fear. There is no intimidation in the union shop. Everything is open and above board. In the union shop if a foreman or superintendent wishes something to be done by the men they inform the latter in the language that any fair man would use to another. There is no brutality in their talk. Because of this fact the employes go about their task in a whole-hearted, loyal manner.

What is the "open shop?"

An "open shop" is a non-union shop where the fiction is kept alive that union men may work but are not permitted to do so.

An employer who refuses to employ a union man will say: "I do not discriminate against union and non-union men. I conduct an 'open shop,' that is, those who apply for work will be given employment when they are needed. This is a shop where men are 'free.'"

But when a workman applies for employment he is asked a number of questions. In many cases he has to fill out a questionnaire giving his entire history from the cradle to the present time, and one of the most important queries is, "Are you a member

of any union?" If the man answers this question in the affirmative he is not employd. He is told that his name will be placed on file and that he will be notified when there is work for him.

But he never is notified. Instead his name is sent to other manufacturers to prevent the possibility of his being employd elsewhere. This is a method used by the non-union shop employers to place on the black list all members of unions.

The so-called open shop influences wages and the standard of living downward, and it is based upon the sycophancy of the most docile and servile and the most immediate needs of those in distress of the poorest situated among the workmen.

This so-called "open shop" is the disintegrating factor that leads to the non-union shop; in other words, the shop which is closed to the union man, no matter from whence he hails or what his skill and competency.

What is the "closed shop?"

The term "closed shop" was originated about 1903. It was coined by the enemies of trade unions for a purpose. That purpose was and continues to be to divert attention from the defensive action of union men.

The union creates certain desirable conditions. The non-unionist tries to destroy them. By not competing with one another for the employment, the unionist make their advantage. By competing, the non-unionists would leave the dictation of terms wholly to employers. And then the employers, when the union has gained something through its advantage, come forward with a demand for the "open shop" and make an appeal to the public in the name of liberty.

The term "closed shop" is a false designation of the union shop. Those who are hostile to labor cunningly employ the term "closed shop" for a union shop because of the general antipathy which is ordinarily felt toward anything being closed, and with the specious plea that the so-called "open shop" must necessarily afford the opportunity for freedom. As a matter of fact, the union shop is open to all workmen who perform their duty, and they participate in the benefits and advantages of the improved conditions which a union shop affords. The union shop also implies duties and responsibilities. This is incident to and the corollary of all human institutions.

The dishonest idea given in the term "closed shop" is that no one can secure employment there except members of trade unions.

When the unions make an agreement with the employers as to wages, hours and working conditions, it is natural to believe that the contract is between members of unions only and the employers. But men can be employed who are not members of a union. A certain period is given them to prove their competency and then if the result is favorable their applications as members of the unions are accepted. Any wage worker can join a trade union. All are open, wide open to all wage-workers qualified at the occupation organized. They pay an entrance fee barely sufficient to equalize the payments of unions' benevolent benefits and current cost of administration. No union ever asks a non-unionist to pay for the slightest percentage of the damage he has done as a disruptionist. It is literally and positively true, without evasion or equivocation, that trade unions, and consequently union shops, are open for all wage-workers whom any employer would possibly contemplate as employees who would be kept regularly and permanently in his employ.

What the trade unionists call for is the union shop. Those who speak of it as a "closed shop" are enemies of Labor who by distorting the facts seek to discredit the trade union movement.

The question is often asked, "why should a non-union man who secured employment in a union plant agree to join the union after he has proved his competency. Why should he not be at liberty to work as a non-union man?"

Wages in union shops are higher than in non-union shops. The hours of work are less and the working conditions are more desirable. These are gained thru the workers dealing with the employer collectively. Each member contributes a small sum to carry on the work of the union. Why should a non-unionist be permitted to enjoy the benefits gained without paying his share of the cost of securing them? It is a fundamental principle that those who are beneficiaries of organization should share in the responsibilities and obligations involved in the achievements.

COLLECTIVE BARGAINING THROUGH TRADE UNIONS

Elsewhere in this pamphlet the importance of collective bargaining in relation to our question is discussed. Social scientists are almost a unit in maintaining that justice to the worker can be insured only thru some form of collective action on their part, so long as capital and industrial management are organized in the large corporations which have become the characteristic type of

American business. Employers are themselves in great numbers committed to this principle, and to some method designed to embody the principle. When it comes to the question of method sharp differences enter. As set forth elsewhere, employers and publicists—in what proportion none can say accurately—believe that other methods of organization than that of the prevailing type of trade union is more efficient and more just to all concerned than is the union.

The case for the unions is set forth in the following statement, published by the American Federation of Labor in the form of a pamphlet written by Samuel Gompers, President of the Federation. It is "Labor's Proposal to Insure Greater Industrial Peace, with Questions and Answers Explaining the Principle."

Collective bargaining means that the organized employes of a trade or industry, thru representatives of their own choosing, shall deal with the employer or employers in the making of wage scales and working conditions. Collective bargaining is the only practical proposal for adjusting relations between the management and the workers in a business way, assuring a fair deal to both sides.

Each individual joins with his fellow workman to ask collectively for better wages and conditions of employment that he could not secure thru his own efforts alone. An employer of, say, five hundred men, has an unfair advantage if he deals with them as individuals. To make the employes equal in power and influence to the employer they must be organized, and thru regularly chosen representatives, meet the employer on a common footing. By conceding points on each side an agreement can be finally reached that will maintain better relations and therefore greater industrial peace.

In no other walk of life does the idea exist that a man must arbitrarily accept any offer that may be made by another. There are two sides always to an agreement. Each side ought to have equal chances to propose and insist upon what it considers a fair agreement.

Industrial peace can be secured only by the righting of wrongs suffered by the workers. If a body of workers has a grievance, it can be adjusted only thru conferences with the employer or his representative. As all can not meet the employer at one time it is necessary for them to select representatives to carry out their will as expressed collectively. This right is identical with that always held by the employer and never challenged by the

law or the public.

In all spheres of activity in which employers, business men, public men and citizens generally have any matter in which their interests are involvd, they not on'y avail themselves of appearing by their own representatives and counsel of their own choosing, whether in litigation before the courts or in business relations, but they are guaranteed even by the constitution of our country the right to be heard by counsel. The claim of the workers in this respect is founded upon the same fundamental beneficial principle—the right of the workers to be represented by counsel (not lawyers), representatives of their own number and of their own choice.

For instance, in great industries such as the iron and steel industry, the employes have nothing to say as to their wages and working conditions. They work twelve hours a day and every two weeks, in changing from day to night work, they are compelled to remain at their tasks for twenty-four hours straight. This has been the practice since the industry has been organized into corporations. There have been much opposition and grumbling from the employes, but these have never reacht the heads of the corporations, or if they did, found no response.

The employes were unorganized. Collective bargaining, except for a short time years ago with a small number of highly skilled employes, was unknown. The great mass of workers had no voice in what they should receive. If a superintendent or foreman wisht to change the conditions of employment, he could do so without question, as each department is expected to produce a certain amount in value. The straw bosses pinchd and schemd to do it. The only way they ever tried was to take something away from the employes. They never considerd that most efficient production could be secured only when agencies for assuring justice to employes and the best management and working conditions were establisht. It was this sort of industrial servitude that culminated many times in great strikes in the steel industry. It brought the strike of 1919. The head of the great corporation in that industry refused to meet representatives of the employes even to hear their greivences. If collective bargaining had been in force in that industry the twelve and twenty-four hour day would have disappeard years ago, and it would have been accomplisht without a strike. Now the responsible head of that corporation knows so little of what the steel workers are thinking that he even asserts that they want the twelve-hour day.

As the employees were employed as individuals and kept apart by racial, creed, national prejudices and other means, they could not unite to submit their grievances until they became members of trade unions. They could not understand each other, nor could they succeed in eliminating the causes that had formerly kept them in isolated and hostile groups.

Collective bargaining in industry does not imply that wage earners shall assume control of industry, or responsibility for financial management. It proposes that the employees shall have the right to organize and to deal with the employer thru selected representatives as to wages and working conditions.

Among the matters that properly come within the scope of collective bargaining are wages, hours of labor, conditions and relations of employment, the sanitary conditions of the plant, safety and comfort regulation and such other factors as would add to the health, safety and comfort of the employees, resulting in the mutual advantage of both employers and employees. But there is no belief held in the trades unions that its members shall control the plant or usurp the rights of the owners.

Collective bargaining takes into consideration not only mutually advantageous conditions and standards of life and work, but also the human equation, a desideratum too long neglected.

APPLICATION OF PRINCIPLES

2. What is collective bargaining?

A. Simply a business proposition by which the organized employees in a trade or industry deal collectively with their employer or employers.

Q. How is this accomplished?

A. The employees in their union appoint a committee to draw up new wage scales and working conditions. These are reported to the union for consideration. Then in regular meeting each question is taken up and discust from every angle. Finally the union agrees upon a wage scale and working conditions to submit to the employer. A committee for this purpose is selected, as the entire number of employees can not meet in conference with the employer. This committee meets the employer or his representative and discusses the desires of the employees collectively thru their union.

Q. Does this committee have full power to act?

A. No. It must report back to the union the result of its conference with the employer. If the report is satisfactory the union approves the settlement and an agreement for a stated period is signed by both parties. If unsatisfactory, further conferences with the employer or his representative are held until an agreement is reached.

Q. What advantage has such a joint agreement?

A. It removes friction that always exists where employes have no voice in the making of their wages and conditions of employment. It is democracy in industry as opposed to autocracy. The employes know what they are to receive for a certain period and therefore can plan ahead in buying a home or making improvements in their standard of living.

Q. Does collective bargaining protect the employes?

A. Yes. Employes can not be discharged at the will of a "straw boss." Charges against them must be made, and after a trial, if they are found true, then the offenders can be discharged. If untrue, they retain their positions.

Q. What effect does this have on the "straw bosses"?

A. It makes them more careful. They are not so arbitrary or do not seek trouble. It brings about mutually better feelings and relations.

Q. Does the fact that an employe can not be discharged without cause make him more independent and likely to create friction?

A. No. Men who are placed on their honor, which is the result of collective bargaining, feel they have an interest in the plant and make every effort to carry out the union agreement. They are not nagged, browbeaten or coerced. They take an interest in their work and the result is a better output and a lower turnover of labor. Their initiative powers are not curtailed and because of that they try to create new methods that will be of benefit to the business. They are men and not mere machines, and this results in better feeling between employers and employes.

Q. Can unorganized employes bargain collectively?

A. Not with a certainty that they will be treated fairly. Unorganized employes are subject to influences that will hamper their efforts for fair bargaining.

Q. Why?

A. Being unorganized they can not agree collectively to any proposition that will benefit them, as the influences referred to will divert them into accepting less than that to which they are entitled.

Q. What are these influences?

A. Men employed as individuals always retain the fear that they are to be discharged or have their wages lowered whenever the employers see fit to do it. They are not in a position to enter objections to their working conditions because of these same fears. They are voiceless in their own affairs because they can not act collectively. Each is suspicious of the other. Some feel that they are overlooked by the employer while others are favorites who receive all the best work. Jealousies are created. Discontent is rife. Therefore when the unorganized employes all meet together to decide what they shall ask the employer they become cowardly for fear some other employe will report them to the employer. Those who take an active part always are the favorites of the employer and they advocate only those things to which the great majority of the employes would object if they were not afraid. The outcome of such a meeting is never satisfactory. Instead,

discontent grows and in time the employes form a real trade union and from that time on they do not fear to express their thoughts or openly object to the statements of those known as company men.

SUMMARY

Collective bargaining, it will be seen, makes for a better citizenship. It uplifts those who while unorganized were timid and servile. The industries accepting collective bargaining are stabilized and can face the future with certainty instead of doubt. Raising the standard of citizenship of the workers thru collective bargaining affects the community in which they live. The standard of living is improved, the children are benefited thru better chances for education and the home is made happier by the fact that the head of the family is able to earn a sufficient wage to support those dependent upon him. This is democracy in industry.

Autocracy in industry is where the employer fixes the wages and hours of employment arbitrarily. They must be accepted by the employes without question. Those who object are discharged. This creates a servile class that makes for inferior citizenship.

The issue, then, is between collective bargaining and autocracy in industry. The good of the nation demands collective bargaining. There can be no defense for autocracy in industry.

AN OPEN SHOP CATECHISM FOR WORKINGMEN

Debaters on both sides of the question will soon learn that a large proportion of the concrete facts used, especially by those who oppose the open shop, come from recent developments in the steel and textile industries. There is also a great variety collected from the building industry. This last extends all over the country, and the clash between employer and employe has scarcely been more sharp in one section than in another. Steel has not entirely controlled in this field, but the shortage in housing all over the country has aggravated the industrial war wherever homes and business houses were demanded beyond the willingness of labor to provide it at desired costs.

But in the case of steel and cloth, the contest has been concentrated. Factory conditions have encouraged labor organization, and clashes between labor and capital or industrial management tend to become acute.

The Amalgamated Clothing Workers of America, with offices at 31 Union Square, New York City, have vigorously pressed the fight for the union shop in their industry. From their educational department a pamphlet has been issued which gives "Twenty-seven

Questions and Answers on the Open Shop Movement," especially address to working men and women, and is an appeal to them to join the unions in the demand for the "100 percent union shop." The author is Paul Blanshard.

On the cover of the pamphlet is a drawing reprinted from the LIBERATOR representing a burly employer armed with heavy brass knuckles, standing over the prostrate form of an unarmed laboring man, whom he has felled to the ground. On the center sheet of the pamphlet is another drawing from the LIBERATOR, showing a portrait of Abraham Lincoln, and, below, the following indicated as quoted from him: "The strongest bond of human sympathy, outside of the family relation, should be one uniting all working people of all nations and tongues and kindred!"

The first page of the pamphlet is a reprint of Mr. Dooley's remarks on the open shop, which are quoted elsewhere in our pamphlet.

The pamphlet is sold for a small fee and is available through the offices of the organization as indicated.

What is an Open Shop?

In theory an Open Shop is a shop open to any worker whom the employer may hire.

What is an Open Shop in practice?

The Open Shop as favored by the Open Shop Movement is a shop closed to union labor.

What proof is there for the statement that the Open Shop Movement favors a shop closed to union labor?

The statements of Open Shop leaders and the action of Open Shop corporations.

What statements have been made?

The Chamber of Commerce of the United States in its Open Shop Referendum No. 31, Section 9, adopted by an almost unanimous vote by Chambers of Commerce in the country, declares itself opposed to dealing collectively with employees who are in any way "controlled by or in such dealing in any degree represent any outside group or interest in the questions at issue." This policy would mean the destruction of every local union in the United States affiliated with a national union. Chambers of Commerce in all parts of the United States have engaged in union-smashing campaigns since this referendum was adopted.

Elbert H. Gary, chairman of the Board of Directors of the United States Steel Corporation, declared himself in favor of the Open Shop policy. He said: "There is at present, in the opinion of the large majority of both employers and employees no

necessity for labor unions." The Interchurch World Movement states that in practice this policy meant the discharge of any active union men.

Eugene Grace, President of the Bethlehem Steel Corporation whose salary was estimated in the New York Times at \$1,000,000 a year, admitted on the witness stand before the Lockwood Commission in New York that the Open Shop policy of his corporation means not only the refusal to deal with unions in the steel plants but the boycotting of contractors who deal with union labor. He declared that he "would not deal with the unions, even tho they embraced 95 percent of his employes."

A. M. Glossbrenner of the Indiana Manufacturers' Association in explaining why he favored an open shop resolution said, "We will not employ an individual in any part of the plant that does not sign an individual contract in which it is exprest that he is not and will not become a member of a labor organization while in our employ."

What actions have Open Shop corporations taken against unions?

In every American industry in which the Open Shop Movement has attained any success the result has been the smashing of unions, the discharge of union leaders and the reduction of wages. Examples may be found in the steel industry, the textile industry, the mining industry and the men's clothing industry.

What has the Open Shop Movement done in the steel industry?

The Open Shop Movement in the steel industry led by Judge Gary, of the United States Steel Corporation, has resulted in the establishment of the 12-hour day and the seven day week, with an average work week for all steel workers of nearly 69 hours. It has reduced the wages so low that the Interchurch World Movement reported 72 percent of all iron and steel workers as earning less than a "minimum of comfort" wage. It caused a strike of 365,000 steel workers in which union organizers were killed, hundreds of strikers were imprisoned on false charges, union meetings were broken up, union members discharged and an elaborate spy system was built up to protect "scab" workers in their "sacred right" to sign a contract for the twelve hour day and a starvation wage. The leaders of the Open Shop Movement in the steel industry have deliberately smashed the unions and kept down wages by violence.

What has the Open Shop Movement done in the textile industry?

The textile workers are among the lowest paid workers in the United States. According to the latest statistics of the United States Bureau of Labor Statistics the average wages of most cotton mill workers were more than 40 percent below the minimum necessary to support a family in decency. Since these figures were compiled the textile capitalists of the entire country have entered upon a vigorous union-smashing campaign with a reduction of wages from 20 to 35 percent. The textile workers have never been thoroly unionized. In Lawrence, Paterson, Utica, and other textile centers, the Open Shop leaders have fought the unions by deporting their organizers without warrants of arrest, shooting down pickets, beating up both men and women, prohibiting legal public meetings and establishing spy systems.

What has the Open Shop Movement done in the mining industry?

In West Virginia, which is the center of the Open Shop campaign in the mining industry, the coal barons have conducted a civil war against union members and union organizers. Scores of union miners have been killed by company "guards." The Logan County Coal Operators' Association pays \$32,700 a year to the county sheriff who hires gunmen to drive out union men and union organizers from the county. A typical contract which the miners in the "open shop" mines of West Virginia are forced to sign is recorded by Winthrop D. Lane in the New York Evening Post: "The employer will not knowingly employ or keep in his employment any member of the United Mine Workers of America. . . it being understood that the policy of said company is to operate a non-union mine, and that it would not enter into any contract of employment under any other conditions."

The death rate of zinc miners in the "open shop" mines of Missouri is more than twice the death rate in union mines where the union insists on protection.

What has the Open Shop Movement done in the men's clothing industry?

The men's clothing industry was for many years an open shop and therefore "sweat shop" industry in which the workers were compelled to work long hours for very low wages. After years of struggle a powerful union, the Amalgamated Clothing Workers, was formed which has not only organized the industry in the United States and Canada but has increased wages and established the 44-hour week. In New York, Baltimore, Chicago, Rochester and other centers the Amalgamated Clothing Workers has set up machinery for the joint control of working conditions with the

manufacturers. Thru this joint machinery all important industrial controversies were settled by Labor Adjustment Boards composed of representatives of the workers, the employers and an impartial chairman.

The "industrial government" of the Amalgamated Clothing Workers and the clothing manufacturers in the large clothing centers has been called by many leading economists the most advanced step in industrial relations in America today.

In December, 1920, the clothing manufacturers of New York and Boston, and a number in Baltimore declared war upon the Amalgamated Clothing Workers for the purpose of reestablishing the open and sweat shop. They began a lockout of about 75,000 workers in these three cities and attempted to reduce wages 33 percent. They refused to submit to a joint investigation of the conditions of the clothing industry and they smashed the machinery for settling disputes with the union. But the lockout failed because of the unity of the workers.

What is the chief weapon of the employers in the Open Shop Movement?

Unemployment.

How do the employers utilize unemployment periods to destroy labor unions and reduce wages?

They use the army of the unemployed as a strike-breaking army. They lay off union leaders on the pretext of "slack work" and refuse to take them back. They declare lockouts against workers who will not accept a wage cut. They refuse to arbitrate disputes because they think that they can starve workers into submission. American employers have used every period of unemployment for concerted attacks upon organized labor since the panic of 1837 when they succeeded in smashing most of the labor unions in the United States and in completely destroying the American labor press.

Is it true that American financiers have deliberately created unemployment "to put labor in its place"?

W. Jett Lauck, one of the most noted statistical economists in the United States submitted a brief of 125,000 words to the Railway Labor Board showing that a capital combine of twelve New York financial institutions inaugurated a policy of nationwide shut-downs in order to cut the prices of farm products and destroy the union scale of wages. Mr. Lauck declares:

"The industrial paralysis which has staggered America is capital on strike against society. And capital, nationally and internationally organized and concentrated, takes the stand that the

capital strike shall go on until labor comes to its knees and consents to sweeping reductions of wages and also consent to surrender its right to bargain collectively on a scale co-extensive with the organization of the employers."

The twelve great New York financial institutions which are charged with attempting to "deflate labor" center in the house of J. P. Morgan. They are:

Mutual Life Insurance Co.

First National Bank.

Equitable Trust Co.

J. P. Morgan & Co.

Guaranty Trust Co.

Equitable Life Assurance Society.

American Surety Co.

National Surety Co.

Mechanics and Metals National Bank.

National City Bank.

New York Trust Co.

Chase National Bank.

The American Woolen Co., one of the most notorious profiteering corporations in the United States, after three years of unprecedented prosperity, shut down its plants for many months, threw thousands of employes out of work, and then forced the workers to return at reduced wages.

Do the employers believe in unions for themselves?

Yes. They find that business unions are an absolute necessity. They organize their business interests into corporations and act collectively. The same employers who insist on the right of individual contract for the workers would expel from their business any stockholder who tried to act individually for the company. E. H. Gary, who believes that labor unions are not necessary is the chairman of the board of directors of the United States Steel Corporation which is a union of more than 125 independent steel companies capitalized at approximately one billion five hundred million dollars.

Do the employers apply the Open Shop principle to their own unions?

No. Employers who belong to manufacturers' associations do not extend to non-members the privileges, protection or credit of the organization. In order to get the advantage of an employer's union, the employer must pay dues and agree to abide by the rules of his union.

The New York Stock Exchange has more rigid rules for the

conduct of its members than any "closed shop" union in the United States. Employers who refuse to join the employers' unions are often forced to join by threat of enforced bankruptcy.

Some of the great unions of employers and business men in the United States are:

The National Association of Manufacturers.

The Chamber of Commerce of the United States.

The National Metal Trades' Association.

The National Founders' Association.

The National Erectors' Association.

The Manufacturers' Association of Illinois.

What do the Open Shop employers advocate as a substitute for labor unions?

They often attempt to form shop committees and "company unions," under their own control.

Why does organized labor oppose "company unions"?

1. Because company unions do not have the power and independence to fight for decent living conditions for the workers. They depend upon the "generosity" of the employer. The employee who attempts to challenge the power of the employer without the backing of a real labor union is discharged as "an agitator."

2. Because company unions have been constantly used by employers to break real unions of the workers and to deceive the workers by fake "democracy."

The Western Union Telegraph Co. organized a company union to keep down wages and prevent the organization of a telegraphers' union. This company union, called "The Association of Western Union Employees," is used to break up strikes. There is a clause in its constitution which forbids strikes. The wages of telegraphers are low and they have no real protection against discharge.

The "Big Five" Packers of Chicago attempted to give their employees a fake plan of "democracy in industry" as a substitute for the union. The features of this plan are characteristic of company unions. The workers were given the "privilege" of bringing all complaints to the boss and discussing them in the president's private office but the millionaire profiteer packers did not concede one atom of power to their workers. The "democracy" was all talk. The plan was scheduled to begin with a 15 percent wage cut. The stock yard workers rejected the company union and kept their own.

Has the Supreme Court of the United States taken the side of the employers in the Open Shop fight?

Yes. In the case of Hitchman Coal and Coke Co. the U. S. Supreme Court decided that the United Mine Workers could not organize the workers of certain mines in West Virginia because the miners had been compelled to sign a contract when they started to work never to join a labor union. Under this decision a starving man who has no other place to work and who signs a non-union contract cannot be asked to join a labor union. The union organizer who asks him to join the union may be put in jail.

Are the Open Shop leaders justified in demanding a wage reduction at the present time?

No. More than half of the American workers are now earning less than a "minimum of comfort" wage. Millions have been unemployed for many months. To reduce wages at the present time means starvation and crime.

What proof is there that American workers are not now receiving a living wage?

During the war the cost of living increased out of all proportion to the increase in wages. It has been estimated that the cost of living increased 40 percent more than wages. Before the war the Industrial Relations Commission, appointed by President Wilson reported that one third to one half of the American workers received less than a living wage. With the increased cost of living the workers were poorer today relatively than they were before the war. The present depression with the resulting unemployment has added to their misery a hundred fold.

What has the Catholic Church of America said about the Open Shop Movement?

The National Catholic Welfare Council through its Social Action Department has said:

"The 'open shop' drive of certain groups of American employers is becoming so strong that it threatens not only the welfare of the wage earners, but the whole structure of industrial peace and order. Employers sometimes favor the 'open shop' because they do not want to be limited in the employment of men to union members. But the present drive is not of that kind. The evidence shows that in its organized form it is not merely against the 'closed shop,' but against unionism itself and particularly against collective bargaining. Of what avail is it for workers to be permitted by the employers to become members of unions if the employers will not deal with the unions? The workers might as well join golf clubs as labor unions if the present 'open shop' campaign is successful.

"The 'open shop' drive masks under such names as 'The American Plan' and hides behind the pretense of American freedom. Yet its real purpose is to destroy all effective labor unions, and

thus subject the working people to the complete domination of the employers. Should it succeed in the measure that its proponents hope it will thrust far into the ranks of the underpaid the body of American working people. . . .

"The unions were necessary even during the war when working people found their labor in great demand. They are still more imperative now, and they must keep their strength and grow. Otherwise we shall see a repetition of the old bad days when the workers were utterly dependent upon their employers."

Bishop J. Henry Tihen, Catholic Bishop of Denver in addressing the Knights of Columbus at Colorado Springs said:

"So surely as capital succeeds in forcing the open shop upon labor and wiping out the unions, so surely will slavery have returned to our land. It will mean just that, slavery. They are honest in their beliefs, perhaps—the employers; but the slave-holder of other days was honest in his belief that the Negro would be far worse off if freed of his bondage. But right arose and struck down slavery."

What have the Protestant Churches of America said about the Open Shop Movement?

The Commission of the Church and Social Service of the Federal Council of the Churches of Christ in America, representing 31 Protestant denominations and 19,500,000 church members, has issued the following statement concerning the Open Shop Movement:

"The relations between employers and workers thruout the United States are seriously affected at this moment by a campaign which is being conducted for the 'open shop' policy—the so-called 'American Plan' of employment, the terms now being frequently used to designate establishments that are definitely anti-union. Obviously a shop of this kind is not an 'open shop' but a 'closed shop'—closed against members of labor unions.

"We feel impelled to call public attention to the fact that a very widespread impression exists that the present 'open shop' campaign is inspired in many quarters by this antagonism to union labor. Many disinterested persons are convinced that an attempt is being made to destroy the organized labor movement. Any such attempt must be viewed with apprehension by fair-minded people."

What has the N. Y. World said about the Open Shop Movement?

The New York World in an editorial has said:

"An organized and well-financed open shop campaign can create a great deal of industrial trouble in the United States and add immeasurably to the difficulties of reconstruction, but it will never succeed except by wrecking the industrial fabric of the country, because there is no real honesty and sincerity back of it. There is nothing back of it but greed and sordidness, and in the long run greed and sordidness cannot dictate the economic policies of the American people."

How does the Open Shop Movement destroy Americanism?

1. By destroying the American standard of living.
2. By denying to workers the constitutional rights of free speech, free press, and free assemblage.
3. By preventing progress toward American democracy in industry. American democracy means government by the consent of the governed, by the Open Shop Movement means the government of American business by private interests for their own profit.

How can organized labor defeat the Open Shop Movement?

By a general campaign for education and organization, by close co-operation among the existing unions, and by the building up of industrial unions which include all the workers in an industry.

The movement for worker's education is spreading rapidly thruout the United States. Labor colleges, and forums have been established in New York, Boston, Baltimore, Springfield, Washington, Rochester, Harrisburg, Reading and many other cities. The workers are beginning to see that they must know something about social and industrial problems before they can fight the employers effectively.

Have unions in the past worked together effectively in fighting the Open Shop Movement?

No. They have often been divided and weakened by petty jurisdictional disputes, the jealousy of local and international officers and indifference to the great mass of unskilled workers. Craft unions in the same industry have spent much of their energy in fighting each other.

The Interchurch World Movement in its report on the Great Steel Strike declared that one of the most important reasons for the failure of the strike was the lack of co-operation among the twenty-four international unions which took part in the strike. The situation demanded one union of steel workers, co-operating directly with the railroad workers.

What have been the most effective weapons for fighting the Open Shop Movement in the past?

1. The 100 percent union shop backed by a spiritually and financially sound labor organization.
2. Industrial unions which include all the workers in the industry.
3. Co-operation in making the trade agreements to include all the workers in all the crafts in the industry.

The United Mine Workers of America, which is the largest and most powerful union in America is an industrial union (in-

cluding all workers engaged in mining.

Walter Drew, leader of the Open Shop Movement in the building trades has confest that the strongest weapon the building trades unions have is the sympathetic strike. He declared before the employers of Rochester, "If you builders could eliminate the sympatheic strike from the building industry, you would have gone ninety-nine one-hundredths of the way toward solving the problems of the industry".

What does American labor want as a substitute for the Open Shop?

The union shop because it guarantees—

1. A living wage.
2. Protection against unjust discharge.
3. Hours for rest and play.
4. Equal division of work during times of unemployment.
5. **Self respect.**

In our industrial system the workers are always on the defensive. The employers own the jobs and the tools. They have an overwhelming advantage in bargaining with the workers. The worker must fight to get his job at a living wage and then fight to hold it. In that constant battle the labor army must be solidly organized, if necessary by conscription. Every able bodied worker must carry his share of the burden. An army which is fighting on the defensive cannot afford to have in its ranks any slackers or spies. That is why labor demands the 100 percent union shop. That is why the workers say, "We will not work with anyone who is disloyal to our cause."

WHAT IS YOUR ANSWER?

You belong to the working class. It is the only class worth belonging to.

You produce the good things of life but you do not often share in those things because you have not learned to organize as well as your masters. Your masters have not only learned to organize themselves. They have learned to organize you. They have learned to organize you for their own purposes.

They organize you for war and you march away to the music of bands and the shouts of the multitude . . . to die for "democracy." Those of you who came back found that the employers had made prodigious profits while you were away.

Now the employers are trying to organize you for "Americanism." The employers wanted you to fight for what they falsely call Americanism. They wanted you to fight for democracy in Eu-

rope, but they do not want it for American industry.

When will you learn to organize yourselves? You are the Americans. You make America all that she is. You build the railroads, operate the mines, make the clothes . . . fight the wars. And now the employers tell you that you cannot control your own working conditions thru your own unions.

WHAT IS YOUR ANSWER? OPEN SHOP TO DESTROY TRADE UNIONS

From a conference of 109 international labor unions, held in Washington about the first of March, 1921, which was presided over by Samuel Gompers, President of the American Federation of Labor, the following statement is reported to have been issued, referring to the open shop campaign:

Reactionary employers have joined their might in a campaign which they are pleased to call a campaign for the "open shop" which they have been waging vigorously since the signing of the Armistice. Compelled by pressure of public opinion to accept labor's co-operation during the war when the utmost conservation of productive energy was necessary to the life of the nation, they cast off all pretense immediately upon the passing of the emergency. This entire campaign on the part of the combined reactionary employers is in no sense a campaign for the "open shop." No matter what definition may be given to that term, the campaign is distinctly and solely one for a shop that shall be closed against union workmen. It is primarily a campaign disguised under the name of an "open shop" campaign designed to destroy trade unions and to break down and eliminate the whole principle of collective bargaining which has for years been accepted by the highest industrial authorities and by the American people as a principle based upon justice and established permanently in our industrial life.

TWELVE-HOUR DAY—SEVEN-DAY WEEK

One of the serious evils often pointed out as likely to attend the maintenance of the "open shop" is inordinately long working hours. This is particularly complained of in the Steel Report of the Commission of the Interchurch World Movement. It is maintained that only the open shop policy of the United States Steel corporation could have permitted this industrial anachronism to persist. A large proportion of the workmen employed by the Steel Corporation are shown to work on a twelve-hour shift and a seven-day schedule.

The evils of this system are graphically treated in the SURVEY for March 5, 1921, the major portion of the issue being devoted to "The Long Day and the Way Out." Three working shifts for the twenty-four hour day are advocated. Debaters who

go into this phase of the general question should not fail to consult this treatment, presenting "Results of Investigations Carried Out for the Cabot Fund into the Excessive Hours of Labor in the Continuous Processes in Steel, Their Human Consequences and the Forces for Change."

Replying to this charge against the Steel Corporation and its open shop policy, Elbert H. Gary, the executive head of the Corporation, and others, maintain that attempts have been made to eliminate this admitted evil, but that the workmen themselves insist upon this schedule, since it insures larger wage returns. On the contrary part, this discussion in the SURVEY states that "manufacturers now operating on the shorter shift are a unit in saying it means more satisfactory operations and is better business.

* * * As for the workers, testimony all along the line of the three-shift plants tends to show that these plants have drawn to them American men of stability. There have been few complaints at the smaller pay envelopes and where one department of a plant has gone on three shifts, the general tendency has been for the workers in the other departments to want to follow suit. 'After the men have got used to the system, you could not pull it away from them with tongs.'"

UNEMPLOYMENT AND CLOSED SHOP IN COHOES

Cohoes, New York, is one of the group of cities devoted largely to the textile industry, especially the manufacture of collars and shirts, originating in Troy, New York. Troy also became a center for the manufacture of laundry machinery and equipment, which gave rise to the name "Troy Laundry" applied to laundries using steam and machinery in many towns all over the United States.

The recent situation in Cohoes and adjacent manufacturing centers is set forth in the NATION, March 30, 1921, in an article headed with the title used above, by Cedric Long, field secretary of the New York State Consumers' League. The paragraphs below are a part of the contents of two pages of the magazine.

Recently the manufacturers, textile and others, in the cities of Troy, Cohoes, and Waterford have united in a Tri-City Manufacturers' Association for the more effective waging of their open shop campaign. Their secretary is a man who revels in unemployment and union-baiting. When he left the Poughkeepsie Manufacturers' Association office to take up work in Cohoes, the labor body of that city gave him a send-off in the form of a little pamphlet especially devoted to the exposure of his union-breaking methods and to warn Cohoes unionists against him.

To date his open shop campaign is highly successful. The textile workers have no fighting power whatever. Troy collar workers have never been successfully organized, any way. At present the Manufacturers' Association is conducting a fight against two or three smaller miscellaneous industries which are on strike — the millions of dollars of the Manufacturers' Association pitted against the staying power of a few score workers. Newspapers report that one factory is patro'd by State Guards, each guard accompanied by a police dog. And meanwhile there are thousands of unemployed walking the streets of these cities, any one of whom may have a job in these factories by applying to the Tri-City Manufacturers' employment bureau.

This secretary informed me that his office was a "clearing house for information" about workers (the union leaders already know it for a black-list office). I askt about discrimination. "We don't object to unions, but of course none of our members would hire a man who has been agitating and getting his name in the papers and that sort of thing." I thought of the Association of Textile Manufacturers in Passaic and their "employment office," which is today the center for a vast network of espionage covering the entire city and environs and costing thousands of dollars a month. The Tri-City Manufacturers' Association is still young. In time it will doubtless develop the effectiveness of similar organizations in Passaic, Duquesne, Pennsylvania, and the Virginia coal fields. It has not yet begun wholesale espionage simply because it has not met the resistance which warrants such extensive methods. Up-state labor is extremely conservative; unemployment is prevalent. The opening of this office under such circumstances is a compliment.

A 22 1-2 percent cut in wages is scheduled for all mills upon resumption of work. Open shop is also on the schedule, of course. Huge bills to the grocer, the coal dealer, the landlord haunt many of the workers night and day. While they look ahead to all this they are wandering about in a city of mean, small tenements, no recreation except the cheap movies, dirty streets, bleak winds, and a pervasive atmosphere of pessimism and gloom. Of the 7,500 wage earners in the city, one third have been idle since last summer, approximately two-thirds since autumn, yet the Polish, Russian and Italian populations have devised methods of saving money.

* * * He (the worker) never philosophized much about capital and labor; he was willing to be patronized a good deal by his boss, and he thought of a "class war" only as a mental concoction of anarchists. But he now has a developing hatred of certain vague forces which conspire to push him back to where he was ten years ago. The press, some of his friends, the churches, all tell him that he, with his union, caused this trouble. The movies and the school teacher repeat the charge to his children. Are they right? He joins a few of his fellow unionists for long talks in the union hall and together they try to untangle the great puzzle.

Meanwhile, the manufacturers, some and perhaps all of the ministers and priests, the bankers, many of the merchants, are happy and comfortable. Optimism prevails thruout the center of the

city. Wages are back to normal, the open shop is an accomplished fact, the old "rights" are restored, labor domination is ended. What lookt to the manufacturers like a tremendous financial crisis turns out to be an unemployment Godsend. One druggist says the people are quite comfortable and affirms that he is losing no business. "I am cutting prices on goods, doing five times normal business, and making at least 30 percent profit on everything." Furthermore, the machinery for maintaining normal labor conditions is now established and running smoothly. If labor becomes fractious, a little lubrication and careful manipulation of this machinery will render it as effective as that in Passaic or Lawrence or Bethlehem. For the black list leads to undercover work, provocation, and possible violence as inevitably as armament on the part of competitor nations leads to war. The manufacturers, to be sure, are blind to the future; sufficient unto today is the knowledge that unemployment has brought them the Open Shop.

* * *

THE INDIVIDUAL'S "RIGHT TO WORK"

The article reproduced in full below is a sarcastic comment upon the "creed" of the Manufacturers' Associations. The Encyclopedia issued by the National Association of Manufacturers, which each debater has been urged to secure, more fully sets forth this "creed," and presents accurately the Manufacturers' point of view.

The "anthology" referred to as published on another page of the same issue of the New Republic, is an article prepared by Mr. Zimand, who is the compiler of the pamphlet issued by the Bureau of Industrial Research, which you have also been urged to secure. The article by Mr. Zimand is a summary of much of the material contained in the pamphlet by him.

The article reprinted from the NEW REPUBLIC here appears under the title "The Moon Calf at Large."

THE MOON CALF AT LARGE

From The New Republic—Jan. 26, 1921. PP. 243-4

On another page (255) we publish a brief anthology of the Open Shop Movement. One theme runs thru all of it, that, in the words of the National Conference of State Manufacturers' Association, all people "have the right to work when they please, for whom they please, and on whatever terms are mutually agreed upon between employe and employer." These are noble words. They evoke a sense of freedom that is not only idealistic but idyllic; they suggest a Golden Age in which compulsion and control, and the whole horrid apparatus of social organization, have disappeared, and nothing remains but the right to follow the fancy

where it listeth. In short, the formula of the manufacturers' association is the doctrine of philosophical anarchy in its purest and most absolute form. It presupposes a society of unlimited rights exercised without hindrance by the standard of individual pleasure.

The poet who conceived this utopia of the free was naturally not enslaved by the facts of life. Indeed he was not thinking of the world as it is, but the world as in the millenium it ought to be. Now it is no task of ours to discourage the brave excitements of youth. These challenges to the social order, however reckless or immature, must be tolerated, in the confident hope that experience of life, a knowledge of the world, contact with practical affairs will gradually teach these mooncalves the sober and more prosaic truth. For of course any one who talks about the right to work when he pleases, for whom he pleases, is a mooncalf, even tho he happens to be the hired publicity man of so respectable a crowd as the manufacturers' association of twenty-two states.

Let us imagine his utopia in action. John Smith, it happens, is pleased one fine morning to take a job. It occurs to him that he would rather enjoy driving the Twentieth Century Limited. So he walks into the office of the President of the New York Central railroad and says: "It pleases me to work for you this morning. The train to be sure does not ordinarily start until 2:45 but I'll start now. I work when I please." "Right you are," says the president, "let us mutually agree on terms. What'll you take for the job?" "Well," says John Smith, "Chicago does not interest me much, but I shall enjoy the ride. Let's make it an even twenty." "Too much," says the president. "I generally pay about ten." "Hm," says John Smith, "I tell you. Let's split the difference." "Fine," says the president, in our country it is recognized as fundamental that we work when we please, for whom we please, and on whatever terms are mutually agreed upon. . . . You say you will start at once?" "Almost at once," says John. "I've got just thirty pages of the Age of Innocence to finish, and a luncheon engagement at the Union League Club to call off; I'll be ready around eleven."

Having stopt for a shave and a shine, John did not actually start until twelve-thirty. As the train sped up the Hudson Valley he drank in the air and thought that except in a Veronese at the Pitti and in two bits of early Ming that he had so loved when he was staying at Albermarle House with Margot and Colonel

Repington, he had never seen such a celestial blue. Colonel Repington suddenly reminded him of lunch, and at Poughkeepsie he stopt, calld up Franklin Roosevelt, and was welcom'd with open arms. Mrs. Stratton was perfectly enchanting, and about five o'clock, lunch being over, John strolld down to the train, slowly finishing his excellent cigar. Towards seven he pulld into Albany, and took a cab to the Ten Eyck, where he thought he would change for dinner. A telegram from the perspicacious president was brought to him. It read: "Forgive the unwarranted intrusion upon your private affairs. A harsh and meddlesome government has been inquiring all afternoon when the mails are likely to reach Chicago. I realize that you work only when you please and for whom you please, but as one man to another, won't you advise me of your plans."

John thought this over for an hour or two, reflecting sadly on the increasing restriction of liberty due to the influence of Moscow, asked himself whether President Harding was by any chance infected with Bolshevism, and wonderd whether to ring up Ralph Easley, the American Defense Society, or the Imperial Wizard of the Ku Klux Klan. On sober second thought he felt that he had better decide the question in the morning, when he was fresh from a good night's sleep. So he turned in, renewed his shaken spirits by reading a few resonant passages from the Weekly Review, and fell asleep, on'y to find himself in the midst of the wildest and most hideous nightmare.

As is usual in such dreams, some features of the previous day's experience were reproduced, though distorted. He went in search of a job. But instead of finding his employer, the President, he was shunted from porters to ticket agents, and from ticket agents to employment offices, and from there to a long line of waiting men. Finally he was interviewd. His desire to run the Twentieth Century that afternoon was greeted with a roar of irreverent laughter but he was told that he could try out as the second assistant helper on the local freight between Jericho and Mineola. He would report at 6 a. m. The wages were \$4.32. What, he didn't like this? He wanted to work when he p'eads, for whom he pleas'd, on terms mutuall'y agreed upon? He was welcome to try somewhere else. This was a free country, to be sure, but not for nuts. In the futile and exasperating manner of dreams, he repeated all this several times, being shunted about, standing in line, be'ng told to take it or leave it, never once encountering a believer in the Open Shop. And just as he was trying to agree upon something with

Mr. Gary, he woke up with a start, pincht himself, and thank heaven that it was only a nightmare.

Whether John's experience or John's nightmare is nearer the facts as they exist in 1921, we do not commit ourselves for fear of seeming to disagree with the fundamental principles of the Great Crusade. But on the off chance that John's nightmare might conceivably be true in two or three backward spots, we venture to set down a few beliefs about so distressing a condition. If we are wrong, if in this country, but for the trade unions, men have a right to work for whom they please, when they p'ease, on terms mutually agreed upon, then nothing which follows is worth considering. For what follows departs from the view of the Open Shop enthusiasts only in this, that it considers not whether the "rights" exist, but whether any one can today exercise them. It assumes in other words that a right on which men cannot act is as valuable as property on the moon.

Those who are faint-hearted about the Open Shop Movement believe that the standards of employment, of discipline, of production, of pay, and of hours are no longer matters of individual fancy, but have to be fixt for whole industries. They, therefore, inquire who is to fix them, and they believe that the real meaning of what is calld the Open Shop is the desire of the employer to fix them without consulting the men who are hired, are disciplind, do the manual work, receive the pay envelope, and punch the time clock. They are inclined to regard the phrases about the right to work when you please, for whom you please, on terms mutually agreed upon between employer and employe as an inaccurate, nay "highfalutin," description of what these manufacturers' associations are after. They come to the basic fact that standards have to be fixt by somebody. For a completely unstandardized industry is a sweatshop; a completely standardized industry, like steel, where the standards are fixt entirely by the employer is * * well, what is it? It is an industry where revolt is an institution. Therefore, the critics of the Open Shop argue that the standards of an industry shall be fixt by agreement between an association of the workers and the organized employers. Apart from all considerations of human dignity, equality of bargaining power, or such things as justice and democracy, admittedly rather vague, they argue that a standard so fixt has an authority that it is not possible to achieve any other way. For it has the collective authority of the workers and of the whole industry behind it.

The evils of the closed union shops are manifest enough, and they do not argue for it. They argue for an open union, open to all qualified workers without discrimination, associated with the organized employers to fix standards of work, and with an impartial machinery to decide individual cases on the basis of the standards agreed upon. They assert that this is the only form of open shop adapted to modern industry. They claim that experience demonstrates, and that events will prove that the moon-calf conception of the open shop is as unworkable as every other kind of social anarchy.

GENERAL DISCUSSIONS

GENERAL PUBLIC SENTIMENT AND THE OPEN-CLOSED-SHOP CONTROVERSY

A vast proportion of the literature dealing with the open or closed shop question is propaganda material. Individuals or institutions having a personal or other direct interest at stake enter the lists for or against one side or the other. Where such bias of judgment is not direct, it is often indirect, and its influence cannot be traced; it is sometimes more or less unconscious on the part of the pleader himself.

Aside from the organs of particular interests the periodical publications which show the liveliest interest in our question are perhaps the weekly journals of opinion devoted to comment on current events. The independent daily papers also discuss the question vigorously in their editorial and news columns whenever a particular event of the day brings it to the front. And many events during the past two or three years have served to call forth such comment.

Few of these comments go far in discussing the fundamental question on its merits. They rather express a judgment as to whether this particular employer is justified in his policy, or that other labor leader and his union are in the right on the immediate issue. Our debaters are mainly concerned with fundamental considerations, and clear-thinking requires that a great amount of controversial chaff be sifted to find the grain of truth and social value.

It is impossible in our bulletin to reprint many of the comments from the daily press. The most widely read and trusted epitome of this sentiment is that of the LITERARY DIGEST. Most debaters have access to a file of this weekly publication. It is well to consult this file for a year or more back. For the sake of those who cannot consult these files, and as illustrative of the discussion conducted in the daily press, there are printed here in succession the reviews published in three different numbers of the LITERARY DIGEST, those for January 1st, January 8th, and February 19th, 1921. Accompanying each are effective newspaper cartoons, which you ought to see if you can, and which cannot be reproduced here.

The following quotations are taken from the LITERARY DIGEST for January 1st, 1921, under the title, "Opening Guns in the Open Shop War." The Lockwood Committee referred to was investigating abuses in the building and housing situation in New York. Robert P. Brindell is the labor leader and representative of the unions who was tried in the courts and convicted of such abuses of his power that he was sent to the penitentiary. The Bethlehem Steel Company is second only in size and influence in the steel industry to the United States Steel Corporation. The dominating influence in it is Charles M. Schwab, and Elbert H. Gary is at the head of the United States Steel Corporation.

* * *

OPENING GUNS IN THE OPEN SHOP WAR

Literary Digest—Jan. 1, 1921. PP. 12-13

SHOTS THAT WILL BE HEARD—if not around the world, at least throughout the length and breadth of the land—have been fired in the open shop war which has been looming for months and whose preliminaries were discussed in these columns a few weeks ago. The fight is on in two important industries—steel and clothing. After all the revelations brought out by the Lockwood Committee in New York of extortion and blackmail by labor leaders trying to force the closed shop, comes the news that the Bethlehem Steel Company is not only following the open shop gospel itself, but is steadily following the policy of selling no steel to builders who will not adhere to the open shop principle. In the men's and boys' clothing trade employers have broken with the union in New York and Boston; they have insisted on lower wages, the piece-work system, open shop conditions and greater freedom to "hire and fire", and they have issued statements accusing the unions of "Sovietism." The workers, in turn, have demanded a joint survey of wage-conditions as preliminary to any readjustment, and they have charged the manufacturers with "attempting to take advantage of existing conditions to return to old time sweat-shop conditions". Some newspaper writers find it hard to decide whether the cessation of work in this industry is a strike or a lockout. And since the open shop is here but one of several issues, many of which are not clearly defined, the press in general prefer to await further developments before discussing the precise bearing of this particular labor battle upon the open

shop movement. But when Eugene G. Grace, president of the Bethlehem Steel Company, admits on the witness-stand that his great concern has for months been forcing customers to employ non-union labor or go without steel, editors generally admit that the open shop war is on in earnest; and it must be added that to a remarkable degree they seem to unite in declaring that the steel company has gone too far.

Mr. Grace's admissions were brought out piecemeal in the course of a long examination by Samuel Untermyer, counsel for the Lockwood Committee and incidentally the largest individual stockholder of Bethlehem steel. Mr. Grace made a point of avoiding definite expressions of fact or opinion, but at the conclusion of the examination, so the New York World sums it up, the admission had been forced "that he, personally, the Bethlehem's Steel Company, the Bethlehem's subsidiaries, and practically all the steel interests of the country are endeavoring to kill off union labor and to create non-union shops if human ingenuity can do it". The day before, building contractors had told how they had been working as "union" organizations and found themselves unable to continue buying steel direct from the fabricators. They testified that their personal appeals to the heads of the Bethlehem Steel Company were in vain, that they were given to understand that unless they continued on a non-union basis they could get no steel, and that in some cases they were compelled to let open shop erectors do steel work for them at a considerable increase in cost. An "Iron League" has been formed of erectors who hold to the open shop policy, and according to these witnesses, its members have no difficulty whatsoever in getting steel from the United States Steel Corporation, Bethlehem, and other large fabricators. Building in New York is said to have been made more costly by these conditions and to have been held up seriously. Moreover, as the New York Times sums up part of this testimony:—

"Robert P. Brindell, of the Building Trades Council, benefited by the 'open shop' war of the steel fabricators. Since the Iron League refused to permit steel to be put up except under open shop conditions, Brindell was able to threaten strikes on the charge that non-union men were doing the steel work. In this way he levied tribute on builders for permission to have the steel work continue to go up under open shop conditions".

When Mr. Grace was asked what he thought of the situation created by the Bethlehem open shop policy he answered:

"I think it is the proper thing to protect the open shop principle." The next day the answering shot came from the union-labor ranks. Samuel Gompers reminded newly elected union officials of the necessity for standing loyally by the labor movement, particularly at a time "when there is so much effort made in the direction of reaction and the destruction of the labor movement, when the challenge has been thrown to labor by employers as it has been the last few days. American labor accepts this challenge".

When Mr. Grace says that "any character of relations or association to support and protect the open shop principle of giving service by any character of laboring man in this country is a good thing", he has the full editorial approval of the Buffalo Commercial, which says:

"It is just as unfair to condemn the Government of the United States for refusing to sell goods to the Russian Soviet Republic as to condemn the United States Steel Corporation and the Bethlehem Steel Company for declining to sell fabricated steel to closed-shop builders. The reasons for refusing to enter into relations with the Bolsheviks are exactly the same as exist in the steel business. The Russian 'Reds' have been trying to spread their propaganda throughout this country. They have been instigating revolutionary movements wherever possible with the intention of undermining and blowing up our democracy. A year ago last September, union labor under the leadership of Foster, the syndicalist, and Fitzpatrick, the Chicago radical, aided and abetted by the American Federation of Labor, sought to get control of the steel industry in America with the view of ultimately extending their power over every industry that uses some form of fabricated steel in its business. The strike that was then organized failed through the active and intelligent opposition of the very men who are today refusing to give organized labor a chance to engineer another strike for power.

"The vital principle that the Bethlehem Steel Company is fighting for must be carried on exactly as it is being done today. The time for temporizing has long passed".

But such unreserved applause is conspicuous by its rarity. Some editors are careful not to commit themselves too deeply. The New York Tribune, for instances, calls the situation "A Mutual Lockout":

"The unions will not sell their labor to concerns employing non-union labor. The company will not sell its steel to concerns which deny to non-unionists a chance to get jobs. Boycott is thus met with boycott. It is difficult, if not impossible, to condemn the one side without condemning the other".

The Bethlehem policy, similarly observes the New York

Commercial, means that "what is sauce for the goose is sauce for the gander". "There may be the claim of right behind Bethlehem Steel's attitude in refusing to provide materials" for closed shop contractors, but, adds the Commercial carefully, "that it is a moral right will not be universally conceded."

But a large number of dailies, many of them conservative, and in general friendly to the open shop principle, are convinced that Mr. Grace is going altogether too far. Mr. Grace is "overvaluing a principle", is the way the Buffalo Express puts it; he is "fighting minority tyranny with despotism", according to the Brooklyn Eagle, which finds "depotism by organized capital as reprehensible as minority tyranny by organized labor". The Rochester Democrat and Chronicle contends that there is no more justice in trying to force the open shop policy "on concerns that prefer to employ only union labor than there would be in union-labor leaders trying to force the closed-shop principle on the Bethlehem Steel plants". Similar observations come from the Boston Transcript, the Syracuse Post-Standard, the Newark News, and the Louisville Courier-Journal. The New York Journal of Commerce, an organ of business and finance admits that—

"Any attempt for any reason on the part of steel manufacturers to interfere with the right of contractors to determine their own labor policies is too closely similar to an effort on the part of labor in the building or other trades to dictate the labor policy of the steel industry to appeal to the impartial observer. The contractor is said to find it to the interest of efficient production in his business to employ union labor even if in so doing it is necessary to acquiesce in the closed-shop principle. If this is the case it is desirable both from the standpoint of abstract right and of public interest that he be free to do so."

It seems to the New York Globe that while New-Yorkers may be properly concerned over the possibility that the Bethlehem policy has in some cases "increased the cost of building here by from 5 to 10 per cent", there is a much more significant angle to the situation. In general, says The Globe, the union has given labor a weapon without disarming capital and has thus created a balance of power, and it adds:

"The open shop as the steel-makers propose to create it apparently means the destruction of this balance. It is for this reason that the action of the steel manufacturers takes on a more sinister aspect than even the most determined and widespread labor movement".

Likewise, the New York World sees the "Brindells of Big

Business' taking their place "alongside the Brindells of Organized Labor." "The main moral and economic distinction between the coarse Brindell methods and the refined Grace methods was that the labor autocrats collected their pay in cash and the steel autocrats collected their pay in the form of dividends out of sweated immigrant employes." In the World's opinion, "the Brindellism of big business is even more of a public menace than the Brindellism of organized labor", and it proceeds to develop this thought in another editorial:

"When manufacturers undertake to dictate the particular kind of labor that purchasers of their products shall employ they have but one step to take before limiting builders and owners as to the use and the occupancy of their properties. Aside from the intolerable tyranny of this situation as respects capital, labor, and housing in New York, the attitude of the steel-makers confirms everything charged against them last year at the time of the strike and since substantiated by the report of the Inter-church Committee.

"Thus the existence of an industrial autocracy which defies Congresses and snubs Presidents easily becomes a menace to great populations far removed from its thundering mills and squalid camps of imported labor. At great cost it suppress the effort of its employes to better working conditions."

Naturally, to a Socialist paper like the New York Call, the newly revealed attitude of Bethlehem Steel and other steel concerns gives it a ready answer to conservative editors who have been denouncing the "one big union" and "direct action". Here is a "one big union" which "believes in solidarity of all unions of capital, stands for the sympathetic strike of capital, and observes the policy of penalizing any other capital unions that scab upon the one big union. It believes also in direct action for the control of government for its own purposes".

As the above quotations deal particularly with the steel and other building industries, the following deals with the clothing trade. As noted elsewhere, the two American industries where the open shop fight has assumed its most bitter aspects is steel and the textile interests. These quotations are from the LITERARY DIGEST of January 8th, 1921. Accompanying the article is a picture of Sidney Hillman, President of the Amalgamated Clothing Workers, who is quoted as accusing the clothing manufacturers of New York of trying to keep prices up and to "return to the sweat shop if possible."

THE "OPEN-SHOP" FIGHT IN THE CLOTHING TRADE

Literary Digest—Jan. 8, 1921. PP. 18-19

A PICTURE OF ALL AMERICAN INDUSTRY, tho "somewhat highly colored," is found by the New York Globe in the crisis in the New York clothing trade, and other dailes agree that there is not a separate incident but the initial phase of a general movement. This "garment trade" battle in the open shop war is deemed the more significant because in the chief cities where men's clothing is made industrial peace has long been maintained by an agreement between the chief union and the manufacturers, which includes voluntary submission to an impartial tribunal. The long and bitter war of words in the New York papers—one side being accused of aiming to bring back "sweat-shops" and the other of setting up "Soviets"—began when the New York clothing manufacturers decided not to renew their agreement last summer but to start up after the slack fall season with lower wages, piece-work and the open shop. There had been minor strikes and lockouts, of little practical importance, because hardly any work is done in the fall season. But as the new season comes on the clothing workers' union is raising a million-dollar strike fund, sending out pickets, planning for a long strike, and has made an alliance with four other needle trades, which brings 400,000 workers with the needle into a close union for defensive purposes. The president of the Amalgamated Clothing Workers' Union and the head of the New York Manufacturers' Association have written so many letters and published so many statements as somewhat to confuse the real issues at stake. The question, says the New York Journal of Commerce, is not so much of wages or efficiency of labor "as of methods and nature of machinery for the control of such questions". The issue, observes the Brooklyn Eagle, "is not one of wages but one of shop control". The clothing workers' union, it says, "stands for the Soviet idea of domination by workmen in the places where they are employed. To this employers are bitterly opposed. They hold that it is utterly incompatible with efficiency." And The Eagle, thus apparently sympathizing with the employers, "can not help feeling that the working people in this field are being badly led." But as the New York Evening Post sees it, the cry of Sovietism is quite unjustified. "Freed of its propaganda sentences and technical details", continues The Evening Post, "the clothing

manufacturers' statement boils down to an argument for full and unmodified control of the industry by the employers, and for the theory of unrestrained competition not only as between the New York market and other markets, but also as between manufacturers in this market. Freed similarly of its propaganda sentences the workers' statement boils down to an argument for joint control of the industry by employers and workers under the arbitration of an impartial public chairman, and for the newer theory of regulation not only of individual shops in the New York market, but of the entire market one industry as a whole". Here, says the New York paper, is an "issue of general social interest with which the public has a right to concern itself":

The public can not accept irresponsible control by any one group in industry. Such control has already brought too many evil results, in the form of social discontent and disturbance. The worker's contention for a share in the control of his industry and in the determination of questions affecting his standard of life is a natural human reaction. Sooner or later American employers will have to consider that protest, without prejudice and without calling names and will have to meet and solve together with the workers the problem of joint regulation of industry so that it will run steadily without stops and waste. The New York clothing industry now offers a rare opportunity for the rational solution of this recurring problem."

How important is this matter of "control" in the clothing industry appears in its constant reappearance in the heated debate between the manufacturer and the workers, and may perhaps be better understood if we present a few of the facts concerning the conflict and its causes as they have been brought out of late in the daily and weekly press. The Amalgamated Clothing Workers of America was formed in 1914. Prior to that time, says the New Republic in a historical survey, "the 'sweatshop', with all that it connotes, is a fair summary description of the New York clothing market". "The operatives in the industry were underpaid and furiously overworked in unsanitary shops." At this time "27 per cent of them earned from \$5.00 to \$10.00 a week, and only 3 per cent, were earning more than \$25.00 a week". The new union "successively crowded out the more notorious abuses and progressively lifted the level of life". Then,

"Profiting by the experience of industrial peace gained in Chicago at Hart, Schaffner & Marx's, the union sought to introduce the same methods into the New York market. Early in 1919 a machinery of government was set up in New York.

The essence of the machinery consisted in subjecting the entire market to a control which curbed the individualism of both manufacturers and workers, and made both submit to a rule of industrial law which promised stability, minimized brute economic power in a highly seasonal occupation, and safeguarded the public interest as well, by enforcement through an impartial tribunal."

On August 26 the agreement expired. Slack times had succeeded boom times, and the Clothing Manufacturers' Association of New York made certain demands when negotiations for renewal of the agreement began. The manufacturers declared that a 50 per cent wage-reduction was essential in order to meet competition in other markets and the public demands. And on September 24 specific demands were made of the union, including the right of the manufacturer to install piece-work, cooperation of workers in maintaining production, and freedom to discipline and hire workers and to introduce improved machinery. In answer to this the Amalgamated asked for a joint survey of trade conditions as a preliminary to readjustment of wages. The manufacturers declined, and on December 2 submitted an ultimatum demanding piece-work, lower wages, and the right to discharge. The ultimatum was rejected in a referendum of the workers, whereupon the Clothing Manufacturers' Association broke off all relations with the Amalgamated, a step which the Boston Association took at about the same time. Then began the series of charges and counter-charges by Sidney Hillman, president of the Amalgamated, and William Bandler, president of the Clothing Manufacturers' Association. The case of the employers is contained in a formal statement whose main paragraphs we quote:

"There is and can be no hope for the saving of the New York clothing market, unless:

"1. The relationship between the employers and workers, dealing together, either individually or through the association of the former and the union of the latter, be reestablished upon renunciation of the fundamental revolutionary doctrine and purpose of the Amalgamated Clothing Workers' Union as stated in its constitution, as follows:

"To put the organized working class in actual control of the system of production" to the end that they shall 'be ready to take possession of it'.

"The manufacturers in the clothing trade do not intend to lend themselves to the establishment of Sovietism in their industry.

"2. That due rewards be given to workers on the basis solely of service, efficiency, and competency.

"3. That there be renounced the present doctrine of life tenure of employment of workers, without regard to efficiency.

"4. That there be restored to the manufacturer the right at all times to determine where he shall buy and where he shall cause to be manufactured his product.

"5. That the walking delegate be forever banished.

"The protestations of the union that the manufacturers have inaugurated a 'lockout' and propose to return to sweat-shop conditions are false. Sweat-shop conditions are today impossible, through the safe guards afforded workers by our present labor laws."

In a statement made for the New York Evening Post, Mr. Hillman says: "The issue is government; self-government by those who make up the industry, that is, the workers and the employers; joint government". The workers agree that people are paying too much for clothes, but "let us in the industry jointly find out 'why'". The workers, according to Mr. Hillman, are willing to tackle the problems of prices, wages, and increase production "by joint inquiry and action." According to the union leader, the clothing manufacturers, "saying they could not make the profits they made just after the war", "abolish the impartial chairman machinery, the union, and all control. They are simply out for a gamble". He continues:

"Some employers seem unable to escape the temptation to practice a hold-up whenever conditions look favorable. The union feels more loyalty to the good of the industry. When employers in a boom market began frantically bidding for labor and boosting wages irresponsibly, the Amalgamated set its face against those wild temporary increases and kept wages stable.

"The unions' position is that the good of the public and the good of the industry depend on subordinating temporary advantage—grabbing—to orderly settlements under the system of government established for the industry. The union has its feet on the ground. The government we talk of we have been carrying on for ten years. Whatever readjustment may be necessary to meet conditions in the industry can all be made under that joint control. The New York manufacturers' notorious inefficiencies of management were soon to have come before that government; then the manufacturers turned tail and tried to hide behind labor.

"Some of these employers are not quite civilized, they are a little atavistic, they are having their last fling at freebooting. But in their hearts they know well that they cannot be the whole government. They cannot rule the industry as years ago, speed the workers like machines, and scrap the workers like old machines. They know that government will be set up again and that it will be "a going government."

Elsewhere in this pamphlet quotation is made from the volume prepared by a Commission of Inquiry for the Interchurch World

Movement relative to the great Steel Strike. Church agencies have frequently issued pronouncements bearing upon the controversy over the open or closed shop. This further section from the LITERARY DIGEST furnishes comment from church papers and church organizations under the title, "The Churches vs. the Open Shop." It is taken from the issue of the LITERARY DIGEST, February 19th, 1921.

CHURCH VS. THE OPEN SHOP

The CATHOLIC CHURCH, the United Protestant Churches, and the largest Protestant denomination have united with labor in condemnation of the open shop movement, and the definite issue between thousands of manufacturers and employers on the one hand and the official spokesmen of the Christian Church on the other has apparently been raised. The tides of controversy run high. It is charged by the supporters of the so-called "American Plan" of employment that the Church, in thus taking up the program of labor is interfering in the matters entirely beyond its concern. But a Methodist minister testifying before the Senate Committee on Education and Labor insists that "anything that has a broad bearing upon humanity, like hours of labor, working conditions, and rates of pay, is the business of the Church." With this view of their duty in mind, the Commission on the Church and Social Service of Federal Council of Churches of Christ in America, the social department of the National Catholic Welfare Council, and the social service committee of the Methodist Church have issued statements upholding labor's contention that the open shop, or "American plan of employment," is in reality but a camouflaged campaign for a closed shop, "a shop closed against members of the union"—warning us of dire perils should it be established. Any such step, we are told, must occasion alarm, and Christian leaders, "listening to the rumbles of distant thunder," point to conditions in Europe as a warning example of what may happen here should a crisis be evoked by the present agitation. While advocates of the "American plan" contend that the laborer will be free to work when and where and for whom he pleases, the Church replies that the movement for the open shop will mean the return to wage slavery and the loss of all that has been, and may be, gained from collective bargaining. There is a wide-spread conviction that an attempt is being made to destroy organized labor, says the Federal Council statement, and "any such attempt must be viewed with apprehension by fair-minded people." To pledge

a man against affiliation with a union, we are told, "is as unfair and inimical to economic freedom and to the interest of society as is corresponding coercion exercised by labor bodies in behalf of the closed shop." Therefore,

"It seems incumbent upon Christian employers to scrutinize carefully any movement, however plausible, which is likely to result in denying to the workers such affiliations as will in their judgment best safeguard their interests and promote their welfare to the precipitate disastrous industrial conflicts at a time when the country needs good will and co-operation between employers and employes."

In the Catholic statement likewise is found the conviction that the present drive is not merely against the closed shop, "but against unionism itself, and particularly against collective bargaining. Should it succeed in the measure that its proponents hope, it will thrust far into the ranks of the underpaid body of American working people." So

"To aim now at putting into greater subjection the workers in industry is blind and foolhardy. The radical movements and disturbances in Europe ought to hold a lesson for the employers of America. And the voice of the American People ought to be raised in the endeavor to drive this lesson home."

Warning is also uttered by the Federation for Social Service of the Methodist Church. In a statement prepared for that body by its secretary, Dr. Harry F. Ward, and its president, Bishop Francis J. McConnell, we are told that when we consider what has happened in the steel industry it seems "quite clear that the success of the present open shop campaign would mean the establishment of a closed shop—closed against union labor, and would return large numbers of wage earners to the living standards of sweated industries." Furthermore—

"In the light of what is now happening in certain local mining districts in West Virginia, we regard it as certain that the consummation of this open shop campaign will perpetuate and increase chaos, anarchy, and warfare in our industrial life, will intolerably delay the development of constitutional democracy in industry, which the churches have declared to be the Christian method of industrial control."

The whole open shop campaign is simply an attempt to hoodoo us, thinks *The Herald of Gospel Liberty* (Christian), which says it is "simply audacious presumption upon the ignorance or the indifference of the masses of the American people to call their

objective 'the American principle of employment,' " in the opinion of the New York World (Catholic).

"The fight is against organized labor, no more, no less. If an applicant for work must pledge himself against joining a union, or a union man is refused employment, or a man who while employed, joins a union and is discharged, we may be pardoned from regarding this as the great boon of the open shop. This is about the type of freedom we might expect in Russia."

It is time that the Church entered into this particular controversy, thinks the Sioux City Daily Tribune, which rejoices that no longer can it be called a "namby-pamby institution, timorously shunning all conflict." Opposition to the "American plan" is welcomed, for, in the opinion of this newspaper, "the closed shop has become firmly entrenched in the American industry, and its removal would be attended by all the pain and danger of a major surgical operation."

But The Manufacturers' Record argues that the open shop movement is not against labor, as Church statements would have us believe. Furthermore, the Federal Council, as an organized attempt to represent the entire Protestant churches, is "without excuse for existence," we are told, and therefore—

"It has no right to speak for the religious life of this country, and its attempt to influence the nation against the open shop who are in favor of the open shop and whose religious convictions, we venture to say, are founded on a deeper religious life than those who undertake to direct this organization in the hope of developing an ecclesiastical autocracy such as that on which men of the same spirit threw away \$9,000,000 of other people's money in their effort to build up the Interchurch World Movement.

"The open shop movement is a movement for the freedom of a man to work untrammelled by the dictates of radical labor leaders. It is the only basis on which there can be freedom and liberty and independence on the part of the individual employee or employer. The aggressive leadership of rank socialistic labor union men in trying to destroy the open shop—the right of every man to work when and where he pleases and for whom he pleases, and the right of an employer to employ whom he pleases unbothered by an unprincipled gang of radical walking delegates, must be the foundation on which to build the safety and the permanency of this Government."

These church attacks on the open shop campaign are not restricted in all church circles; we find The Presbyterian of the South

(Richmond), for instance, declaring that "this is a matter of business, which the Church or a Council representing it has nothing to do with.

OPEN SHOP AND OUTSIDE DOMINATION

Union labor leaders generally maintain that the open shop would destroy labor unions, and that the campaign for the open shop is organized for that purpose. A writer connected with the Babson Institute in Boston treats this matter after the fashion indicated below. The writings of Roger Babson, the eminent engineer and statistician, are now being widely read, and the Institute in Boston has been established by him to extend the service which he has been rendering personally.

One of labor's serious grievances at this time is made in the charge that the "open shop" agitation of American industry is essentially unfair and an attempt to destroy the organization of labor in general. In so far as the charge is well taken, it is a fair grievance. In most cases, however, the writer contends, that the open shop agitation is intended only to counteract the baneful influence of the union in the matter of outside dictation and domination. There are employers who perhaps advocate the "open shop" as a means of disorganizing any group action on the part of employes, but these are decidedly in the minority, who hold these views. To these employers, the open shop really means the closed non-union shop. This for the industrialist, is going to as great an extreme as the closed union shop is, for the trade unionist. The open shop has been declared a great American principle because it is essentially in line with the "freedom of contract" which is guaranteed in the Constitution of the United States. It is quite easy to see that the closed non-union shop, and the closed union shop, as usually understood, are both in violation of this constitutional freedom. The employer who urges the open shop in the real sense of the word, often claims this grand and glorious principle of freedom of contract as the basis of his contention. However sincere this may be in the abstract, it would be better if he would state frankly the reason nearest his heart, that is, the prevention of unfair union domination in his business. It is nothing to be ashamed of, and it is a piece of common sense which is going to appeal to labor some day. A patriotic appeal, however sincere, when a practical, materialistic problem is involved, is not as effective as a frank statement of the situation.

CHRISTIAN ETHICS AND PITTSBURG EMPLOYERS

Under this heading the New Republic, February 16th, 1921, prints an editorial from which excerpts appear below. Pittsburgh is the most important center of the steel industry in the United States.

Recently some of the New York morning newspapers carried a dispatch from Pittsburgh which described a campaign into which the Employers' Association of that city had recently entered. It had decided to convert Pittsburgh into an "open shop" town. What the Association meant by the "open shop" the dispatch revealed by tracing an analogy between its idea of an "open shop" and the labor policy of the United States Steel Corporation. The Steel Corporation has always kept its shops open to unorganized labor and so far as possible closed to organized labor; and it has recently carried this practice a step further by refusing to furnish structural steel to contractors in New York City who employ union labor in erecting it. The Employers' Association of Pittsburgh in adopting this conception of an "open shop" not unnaturally took over with it the same disposition to use aggressive tactics in making it prevail. The managers of the Association began to look for some opponent of the "open shop" or some friend of organized labor which they could deprive of any further opportunity for mischief.

They soon discovered a victim.

The article declares that this victim was found in the Y. W. C. A. of Pittsburgh whose campaign for funds was formally resisted by the Employers' Association on grounds set forth in a letter from Mr. William Frew Long, Vice-President and General Manager. This letter states that "some of the things the Y. W. C. A. believes in and endorses are as follows: Industrial Democracy, Collective Bargaining, A Share in Shop Control and Management by the Workers, Labor's desire for an equitable share in the profits and management of industry, protection of workers from enforced unemployment, a minimum wage, government labor exchanges (employment offices), experiments in co-operative ownership." "Recent radical and ill-advised efforts of religious and quasi-religious bodies to 'regulate industry'" Mr. Long compares to the manner in which a "a bull regulates a china shop." Reference is made in the same letter to "the misuse of funds by the ill-fated Interchurch World Movement."

After about two columns of comment the article in New Republic concludes:

Mr. Long's comparison of the actual effect of an industrial program such as that of the Y. W. C. A. to the traditional behavior of a bull in a china shop is not altogether felicitous. The group who are playing the part of the rampageous bull in the moral drama of American industry today are surely the advocates of the "open shop." The fragile china which the bull is charging is the array of principles which the Christian denominations have placed in the window and on the shelves in order to advertise and exemplify the somewhat neglected application of Christianity to modern life. A few of the Protestant clergy made a courageous and intelligent attempt to put their principles into

practise. In the Steel Report of the Commission of the Interchurch World Movement they showd what the effect on a great industry is of a policy of no-conference with the workers and of the systematic suppression of unionism. They showd that it produced physical atrocities such as the twelve-hour day and the seven-day week and moral atrocities such as systematic industrial espionage. But nothing came of the report, and their courage in preparing it had something to do with the unfortunate extinction of the Interchurch World Movement itself. The question which the incident raises is a very serious one for the Christian churches in America. What can the Christian clergy do to protect the industrial principles, which they have solemnly adopted as part of Christian truth, from the bullish assaults of such groups of business men as the Employers' Association of Pittsburg?

WELFARE WORK AND THE OPEN SHOP

Mr. Gary, speaking for the United States Steel Corporation, emphasizes strongly the significance of the great amount of welfare work which he reports is being done by the corporation and its subsidiary bodies. At the headquarters office of the corporation in New York, a department of the administration is devoted to this work. Impressive literature has been issued showing the large sums of money expended, and illustrating the work by numerous pictures. Probably any debater who desires to secure a copy of this literature will be served free of charge, if he will write to the proper officer, Mr. C. L. Close, 71 Broadway, New York City.

A striking instance of a liberal policy in welfare work, which has been much written up in the press, is that of the Johnson-Endicott Shoe Manufacturing establishment at Binghamton, N. Y. Here an open shop is maintaind, and it has been often stated that the management has interposed no objection to the organization of trade unions among the employes. Efforts to organize effective trade unions are reported to be unsuccessful, however, and the reason given is that the company policy is so liberal in the matter of hours, wages, and general working conditions that the men feel that their maintenance of a labor union is useless effort and expense.

A unique institution in American industry is the Metropolitan Life Insurance Company. It is not an industry in the ordinary accepted use of the term, but it employs thousands of persons in the conduct of its business, and it operates in a field where there is vigorous competition. Features of its policy are clearly set forth in the following, quoted from a pamphlet of 20 pages publisht by the company. This will doubtless be sent free to any debater who

may send for a copy. Address the Metropolitan Life Insurance Company, 1 Madison Avenue, New York City.

The Metropolitan Life Insurance Company employs 15,000 workers in its agency and field force and 6,000 persons in the Home Office. All of these workers share the benefits of its Welfare Work.

The result of this social laboratory experiment in the care that is given working people will, it is hoped, not only convince employers that Welfare Work is worth-while, but will induce them to carry on similar work for their employes, many of whom are policy-holders in the Company.

In order to increase the permanency of a working force, and to secure loyalty and interest on the part of employes, all modern concerns must make use of the latest scientific information in the conservation of human material.

At the outset, any prejudice against making changes in the daily routine and in the facilities of the workshop must be scrapped.

This the Metropolitan has done without hesitation when the situation demanded it.

The office hours of the Company are from 9 a. m. to 4:30 p. m., daily, and 9 a. m. to 1 p. m. Saturday. This enables employes to use the transportation facilities of the city outside of rush hours; they have time after business hours to attend to their private affairs; they may live in the suburbs.

A five-minute rest period in the morning at 11 a. m. and in the afternoon at 3 p. m. was found by experiment to be successful in lessening the strain on clerks of the last hours of work in the morning and afternoon periods. Therefore, it was installed generally and permanently. Windows are flung wide and clerks encouraged to take active exercise.

Continued efforts to improve ventilation and sanitation of the Home Office have secured natural light from two sides for most workrooms. Where artificial illumination is necessary, it is of the semi-direct variety.

There is no doubt at all that if Welfare Work is to be a success the best possible working conditions must be obtained.

So the Company's hint to employers is—scrap prejudice.

Of course, Welfare Work must be an addition to and not a substitute for wages. Efforts made for employes for improving working conditions or helping the worker himself are not substitutes for a reasonable wage, for opportunities for development and advancement or the right of an employe to live his own life without undue interference.

With other corporations in the country, the Company is making steady progress in its care of employes, realizing that an employer is responsible for his employes beyond the payment of wages. The cost of Welfare Work for employes has proved to be an entirely justifiable expenditure, bringing results in increased efficiency, stability of the working force, and, most important of all, perhaps, in individual loyalty.

The success of the efforts of the Company to improve the

grade of employes and to retain their services is proved by the fact that, in spite of a rapid increase in the number of employes, 50 percent of the employes of the Home Office have been there five years or more.

These are instances among many in different parts of the country where welfare work and the maintenance of wage scales and all the working conditions, above the standards contended for by the labor unions, have insured, sometimes thru long periods, a contented corps of working people. Perhaps the most widely advertised industrial institution where liberal wage scales determine the contentment of the workers and forestall labor disturbances, is that of Henry Ford's large automobile manufacturing establishment in Detroit, with its rapidly extending subsidiary enterprises located elsewhere.

To all arguments for the open shop based upon these instances, union labor leaders are accustomed to reply, first, that these high standards either of wages or of welfare would not appear in even the limited number of cases now known, if the labor unions had not for years past contended for high standards thruout the whole of American industry. The fact that the persistent effort of organized labor has been the determining factor in winning many important industrial reforms is conceded by all students of the problem. Many employers themselves concede that this is true. Mr. Gary, of the United Steel Corporation, is among these, tho he is very emphatic in his judgment that labor unions should no longer exist.

In the pamphlet, "Principles and Policies of the United States Steel Corporation," from which quotations are taken elsewhere in our pamphlet, Mr. Gary says :

Personally, I believe they (labor unions) have been justified in the long past, for I think the workmen were not always treated justly; that because of their lack of experience or otherwise they were unable to protect themselves; and therefore needed the assistance of outsiders in order to secure their rights.

But whatever may have been the conditions of employment in the long past, and whatever may have been the results of unionism, concerning which there is at least much uncertainty, there is at present, in the opinion of the large majority of both employers and employes, no necessity for labor unions; and that no benefit or advantage thru them will accrue to anyone except the union labor leaders.

To this reasoning the union labor leaders reply that such admissions and the still prevailing injustice in many fields of industrial life, are conclusive demonstration that labor unions have not only done much for the whole of American industry but their

W. C. A. believes in and endorses are as follows: "some of t789 further existence and work is essential to true industrial progress. Mr. Gary says that the open shop will now insure justice to labor. Union labor leaders insist that only the unionized shop can safeguard for the whole American industry the gains so far made, and insure reasonable progress in industry.

In the second place, union labor leaders are much inclined to discount the value of "welfare work." Not only does it often, as they maintain, assume the form of patronage and charity, which is humiliating to self-respecting working people, but it leaves the interests of labor subject to the caprice of the management of the particular industry practicing this kind of patronage. They point to the Pullman Company as illustration, and a vindication of this warning. Years ago the Pullman Company was widely and gratuitously advertised in the press of the country as most advanced in its standards of wages, and in the remarkable provisions made for labor in its specially built town of Pullman, Ill.

It is pointed out by the union leaders that that industry, under the despotic, though originally benevolent, control of the management and capital, has not kept pace with advancing standards in industry, but has rather retrograded, until some of the most acute labor disturbances of later years have centered in that industry. The opening paragraph in a newspaper dispatch of June 21st, 1921, reads:

The Pullman Company lost its open shop fight before the United States Railroad Labor Board today, when the Board upheld the contention of the union leaders that the company had not obeyed "the letter and spirit" of the Transportation act when it conferred with its employes in mass meeting.

On general principles, labor leaders maintain, despotism or autocracy is objectionable. It cannot be redeemed by any degree of temporary benevolence on the part of the management. Its very nature is unworthy of and sacrifices the rights of the American industrial freeman.

How far our debate should be carried into this field, the debaters must themselves decide. As has been frequently remarked, this question of the open shop opens up practically every major and most of the minor problems of American industry today. How far welfare work and the spontaneous concessions of capitalistic management can be accepted as properly safeguarding the interests of American labor is a question which at least union labor leaders believe enters as a question of prime and direct importance. Neither benevolence nor self-interest under open shop conditions

in the past has deterred uncontrolled industrial managers from grave injustice; there is no reason to believe that the open shop re-established will serve any better in the future, say the unionists.

INDUSTRIAL DEMOCRACY AND THE OPEN SHOP

Union labor leaders are not as a rule sympathetic to recent movements described under the general term, industrial democracy. They believe in democracy, but they seem convinced that most of the experiments now being made in joint control of a particular industry by capital and labor, are really more or less conscious subterfuges through which capital and capitalistically controlled industrial managers seek to loosen the hold which labor has gained through the success of the trade union.

These experiments are necessarily confined to particular industrial establishments, and such portions of a given industry as are under a unified control. On the other hand, the trade union aims to include the working people of a whole trade or branch of industry in one organization. The Brotherhood of Locomotive Engineers, for example, is not confined to a particular railroad, or a single railroad system, but draws its members from any or all of the railroads of the country.

Thus these programs of industrial democracy are weakening the trade unions, or the union leaders maintain that they are. And certainly they would naturally have that effect, in so far as it is the strength of the trade union to bargain for wages and hours and working conditions for an entire industry through one deal or on a common basis. A program of industrial democracy brings labor into partnership with capital and the management on a basis agreed upon between the working people of that particular establishment or unified system, without immediate regard to contracts which working people in a competitive establishment may have made with their capital and management.

This, union leaders believe, is likely to prove a step backward in industrial organization, rather than a step forward. While most of these programs of industrial democracy claim to maintain neutrality toward labor unions, yet their success must destroy the trade unions, say the union leaders, and split American industry up into relatively small units, leaving industries pitted against each other in a wasteful and embittered competition, a state of affairs from which the trade union has already done much to redeem the American system, and for which it ought to be preserved and encouraged to do vastly more. In so far as the working people of

one establishment enter into close partnership with the capital and management of their own particular concern, in that degree will they lose their sense of fellowship with the great army of labor which the trade union has been so largely instrumental in mobilizing in a class-conscious host. Thus the best for which the trade union has been contending will be lost, and there will prevail no common consciousness thruout the laboring class. Nor, of course, will they be able to act concertedly in their common interests.

To all this the promoter of industrial democracy replies that industrial democracy will make it unnecessary and undesirable for labor to maintain a class-consciousness or seek to mobilize its hosts as such. There will be nothing left for an army organized after that fashion to fight for. Fuller justice for all can be attained thru this program, and the warfare which the trade union program has so frequently precipitated will be eliminated to the good of industry and of every element concerned in industry.

At this point the union leader demands to be shown, or rather he insists that abundant past experience and much fighting for the rights of labor as labor, convince him that these expectations are vain, that these new programs will not insure for labor the just treatment promised, and that in the meantime the trade union system builded at such prodigious labor and thru the terrible sacrifice of multitudes of working people will be wrecked. Thus in the end, labor will be left, as formerly, with no defense against the arbitrary measures of a conscienceless capitalistic management.

Each debater will weigh for himself these arguments and counter-arguments.

It will help the debater of either side to study in some detail one or more of these plans for industrial democracy.

John D. Rockefeller, Jr., will doubtless be accepted generally as a leader in this movement, though it has taken on numerous phases for which he is not a sponsor. Following the destructive strike in coal and iron fields of Colorado several years ago, he personally interested himself in the development of a plan for industrial co-operation which has manifestly reduced friction, and has been widely accepted as a marked advance in industrial organization. Each debater can probably secure full information about this plan by applying to Mr. Rockefeller's office at 26 Broadway, New York City.

Before the Chamber of Commerce of the United States, in Atlantic City, N. J., December, 1918, Mr. Rockefeller made an address which attracted marked attention at the time, and which has

been widely circulated since in pamphlet form. The title is "Representation in Industry," and the introductory note says:

This address is an appeal to employers.

It is a plea to leaders of industry to meet the industrial problems of reconstruction in a spirit of co-operation, justice, fair play and brotherhood. It was delivered to a convention of employers just after the war ended.

The address might have been delivered without a change to a convention of workingmen.

If the creed it embodies is deserving of acceptance by employers, it should be equally acceptable to all those who participate in industry. Common welfare, not class warfare, is its underlying thought.

In the body of the text, this paragraph is printed with bold underscoring:

We ought not to allow the occasional failure in the working of the principle of the organization of Labor to prejudice us against the principle itself, for the principle is fundamentally sound.

A paragraph, following shortly, adds:

Labor unions have secured for Labor in general many advantages in hours, wages and standards of working conditions. A large proportion of the workers of the country, however, are outside of these organizations, and unless somehow represented are not in a position to bargain collectively. Therefore, representation of Labor to be adequate must be more comprehensive and all-inclusive than anything thus far attained.

A considerable section of the address is devoted to an outline of the plan in recent operation among industrial corporations with which Mr. Rockefeller is himself connected. Of this plan he says:

It begins with the election of representatives in a single plant, and is capable of indefinite development to meet the complex needs of any industry and of wide extension so as to include all industries. Equally applicable in industries where union or non-union labor or both are employed, it seeks to provide full and fair representation to Labor, Capital and Management, taking cognizance of the Community.

Another organization which might properly fall under our present general heading is that of the great Bethlehem Steel Corporation, located at Bethlehem, Pa., of which Mr. Charles M. Schwab is the head. This corporation, as indicated by quotations appearing elsewhere in this bulletin, has recently antagonized the labor unions to the extent of declining to deliver its product to builders in New York who employed union labor. The labor union leaders are resentful against this particular form of organization. It seems to have forestalled successful trade union organization in the Bethlehem shops.

Of the plan Mr. Schwab, in an address before the Chamber of Commerce in New York, April 28th, 1921, stated:

We have at Bethlehem a plan of collective bargaining known as "Employees' Representation." It works. And it works by actually recognizing the rights of the men to negotiate with the management, and not engaging in needless discussion over words and phrases.

The Bethlehem Steel Company has prepared literature setting forth the experience of the corporation with the plan, and any debater wishing to pursue the study can secure a copy by addressing the Company at Bethlehem, or Mr. J. M. Larkin, assistant to the President.

A publication of the Company, dated February, 1921, says:

The Bethlehem plan, which has been in operation since October, 1918, we feel is no longer an experiment. The original by-laws made provision for amendments, and, as was anticipated, we are from time to time, by agreement with our employees, making minor improvements and changes. The operation of the Plan to date shows it to be fundamentally correct, and in our judgment has proven it to be a success.

It bears upon a point brought out elsewhere to reprint here a paragraph from the Plan which reads:

The representation of employees, as hereinafter provided, shall in no way abridge, or conflict with, the right of employees to belong to labor unions.

But other plans now being developed in considerable numbers are far more thoroughgoing in their "democracy" than either of these mentioned. Mr. Gary, as already quoted, believes in high wages, and the expenditure of large sums in welfare work, but he believes that in the control of the industry the right of participation should be gained thru stockholding. Apparently he is not prepared to recognize the right of labor as labor to participate in the management of industry.

And in the plans briefly outlined above, labor's representation is a matter of concession on the part of capital and the management, or seems to gain its warrant from that source.

Other plans proceed upon what is stated to be the inherent right of labor to participate in the management. The attack of the union leaders against these "concessions" is at least consistent with their industrial philosophy, and seems to justify their contention that a concession made by the grace of a despotic power may be withdrawn at the will of that power. This attack would not seem to be so justified in the case of the plans which recognize the inherent right of labor to participate in the control of industry.

That right cannot be withdrawn at the will of capital or the management.

Probably the handiest source for any debater who wishes to pursue this study will be a little book published by Houghton Mifflin Company, entitled "The Industrial Republic," by Paul Litchfield, Vice-President and Factory Manager of the Goodyear Tire and Rubber Company. The book not only outlines the plan of such a "republic," but sets forth in a very valuable essay the philosophy upon which it is based.

The organization is closely modeled after our Federal Government, and aims to insure fundamental rights in the industrial enterprise for its citizens,—the Industrials as they are known in the plan,—comparable to those rights which our federal constitution guarantees to the American citizen in his nation.

The plan became effective in July of 1919 in the factories of the company at Akron, Ohio.

We cannot quote here at length from the plan. It is in point to reprint these two paragraphs :

A Goodyear Industrial must be 18 years of age, must be an American citizen, understand the English language, and have a six months' continuous service record in the Goodyear Factory immediately prior to election. Each Goodyear Industrial is entitled to vote.

There shall be no discrimination against any Goodyearite on account of membership or non-membership in any labor organization, or against any Representative or Senator for action taken by him in performance of his duties as outlined in this Plan.

Now there remains, in this connection, to point out the bearing of all this on our particular question. All of these plans declare for the open shop. It is not the open shop for which Mr. Gary and employers who share his industrial philosophy contend. Nor is it the open shop against which the union labor leaders direct their frontal and more vehement attacks. They do attack these plans more or less consistently, because, as they maintain, and as is perhaps demonstrated by experience, they weaken the trade unions. And these leaders justify their opposition on the ground that these plans have no such assurance of permanent justice to labor as the trade union affords.

Our debate is likely to get hung up on the snag of definition. What is an open shop? There is danger that the two debating teams will find themselves discussing two different questions. The open shop of one side may not be the open shop of the other side at all. This is a peril which is to be encountered in almost all debates. Try in advance to avoid a "fluke." Make your debate real.

and agree between yourselves, so far as practicable, upon your definitions and the real question which you propose to debate. It is manifest that there is a vast difference between the open shop of Mr. Gary and the Steel Corporation, and the open shop of Mr. Litchfield and the Goodyear Tire and Rubber Company. Mr. Gompers might be disposed to oppose both and to prefer his union shop to either, but he would doubtless base his opposition in the one case on quite different grounds from that of the other.

INTERCHURCH MOVEMENT AND THE STEEL STRIKE

In the fall of 1919 there occurred, in the steel industry, one of the most momentous industrial disturbances of American history. Its influence is still far from being spent, and the questions at issue are far from being settled.

In a number of the plants of the United States Steel Corporation and its subsidiary organizations a large enough proportion of the workmen quit work to tie up the plants and greatly to disturb the industry. Steel is so important in the American industrial system that our whole economic order was more or less affected.

Efforts, even of the President of the United States and the Federal Government, were unavailing to bring representatives of the opposing forces even into conference over the issues involved. Mr. Gary, backed by his stockholders in the Steel Corporation, declined even to meet Mr. Gompers and his associates in the American Federation of Labor, declaring that adherence to a moral principle involved forbade his doing so.

The Interchurch World Movement, then in very active operation, appointed a Commission of Inquiry, which "went to the steel workers with two main questions: A. Why did you strike (Or refuse to strike?) and B. What do you want?" Answers to the first question "were found to deal with things that existed — schedules of hours, wages, conditions, grievances, physical states and states of mind." Answers to the second question "were found to deal with a method (hitherto non-existent in the steel industry), for changing" existing conditions; 'the strike leaders called it collective bargaining and the right to organization; the steel employers called it the closed shop and labor autocracy."

Debaters who decide to use the conditions in the steel industry, and the issue involved in this great strike, as a determining argument should secure a copy of the report of the Interchurch Commission. It is authoritatively published in a volume of 277 pages by Harcourt, Brace and Howe, of New York. Liberal enough

quotations are made from this report in one or more of the volumes we have recommended that each debater shall secure, to enable you to discover the bearing of this incident upon our question.

We shall not attempt here an exhaustive treatment of the matter, but you can see from the brief quotations just made that the open shop is central. The experience of the Steel Corporation in this strike is the event more than any other one which has precipitated the vigorous campaign for the open shop, which it and many other employers of labor are now pressing. The strike failed. At any rate, a large proportion of the working people who walked out returned to their positions on the old terms, or on those prescribed by the Corporation, and the managers declined to the last even to enter into conference with the labor leaders. However, in a letter to the President of the United States, accompanying a copy of its report, the Interchurch Commission makes the prediction, "Unless vital changes are brought to pass, a renewal of the conflict in this industry seems inevitable." Whether the Commission believes that these "vital changes" involve merely the abandonment of such working conditions as the twelve-hour day (stated by Mr. Gary to include 69,000 working men), a seven-day week and a below-standard wage, or whether they include also an acceptance of a program of collective bargaining such as is insisted upon by the labor union leaders, is not made decisive.

Certainly all is not peaceful in the steel industry, and the leaders of labor union hosts are far from satisfied with conditions now prevailing.

The report of the Interchurch Commission has been bitterly attacked by the Steel Corporation, and by publications and employers who sympathized with the Corporation during the strike. Its findings have been correspondingly commended and exploited by the unions and those who believe that the methods of the Corporation are unjust and despotic. Just as the Corporation declined to accept the mediation of the Government, it refused, from the first, to welcome the activities of this Commission. "At one period," the report states, "investigation was delayed by an effort of the Commission to settle the strike. The Commission, having been urged to do so in a manner impossible to refuse, actually formulated a plan of mediation which was formally accepted by the leaders of the strike but was definitely rejected by the Steel Corporation."

A few further brief excerpts from the report must suffice here. The only way to handle this argument effectively, either from

the affirmative or the negative point of view, is to study the whole report.

Conditions of labor were fixed by the Corporation, without collective bargaining or any functioning means of conference; also without above-board means of learning how the decreed conditions affected the workers.

* * *

Ultimate control of the plants was vested in a small group of financiers whose relation to the producing force was remote.

* * *

Approximately one-half the employes were subjected to the twelve-hour day. Approximately one-half of these in turn were subjected to the seven-day week. Much less than one-quarter had a working day of less than ten hours (sixty-hour week).

* * *

The arbitrary control of the Steel Corporation extended outside the plants, affecting the workers as citizens and the social institutions in the communities.

The steel industry was under the domination of a policy whose aim was to keep out the labor unions. In pursuit of this policy, blacklists were used, workmen were discharged for union affiliation, "under-cover men" and "labor detectives" were employed and efforts were made to influence the local press, pulpit and police authorities.

* * *

The organizing campaign of the workers and the strike were for the purpose of forcing a conference in an industry where no means of conference existed; this specific conference to set up trade union collective bargaining, particularly to abolish the twelve-hour day and arbitrary methods of handling employes.

No interpretation of the movement as a plot or conspiracy fits the facts; that is, it was a mass movement, in which leadership became of secondary importance.

Charges of Bolshevism or of industrial radicalism in the conduct of the strike were without foundation.

The chief cause of the defeat of the strike was the size of the Steel Corporation, together with the strength of its active opposition and the support accorded it by employers generally, by governmental agencies and by organs of public opinion.

Causes of defeat, second in importance only to the fight waged by the Steel Corporation, lay in the organization and leadership, not so much of the strike itself, as of the American labor movement.

ANSWERS TO THE STEEL STRIKE REPORT OF THE INTERCHURCH COMMISSION

These were numerous and some of them bitter in the extreme. None was anything like so extended and circumstantial as was the report itself. How much the criticism of this "In-

quiry" had to do with the collapse of the Interchurch Movement, which appointed the Commission, is a question upon which there will probably always be sharp difference of opinion. Both friends and foes of the Movement have maintained that it had much to do with its failure. Numerous employers and their organs of publicity condemned the Movement for presuming to carry the Church "out of its sphere," and scoffed at the alleged ignorance of "a bunch of preachers and ex-preachers" who had thus invaded the field of economics and business administration.

Debaters who care to pursue this line of study can collect large numbers of such criticisms. But they are scattered, and were confined to generalities or to more or less minute particulars in the report. No comprehensive and detailed reply seems to have been attempted by an agency recognized as having the degree of independence and lack of self-interest which the Interchurch Commission could claim.

Among the replies which the Steel Corporation apparently esteems to be most effective are utterances of Rev. E. Victor Bigelow, Andover, Mass. His early attitude had been such as to lead to his appointment to sustain the affirmative of the question, "Was the Interchurch Commission unfair in its report on the Steel Strike?" This debate was arranged by the Worcester (Mass.) Congregational Club. The negative was sustained by a member of the Commission. Mr. Bigelow's discussion was printed in the Chamber of Commerce and State Journal, and has been published by C. F. Miller, Scranton, Pa. Copies are to be had at the offices of the Steel Corporation.

Brief and scattered excerpts from Mr. Bigelow's charges of unfairness against the Report, especially as they touch upon our question, are the following:

In the Steel Corporation the difference between a successful year and a failure, often is located within the last ten cents of every dollar's worth of business. They haven't much leeway, and it takes careful watching to make the balance fall on the right side. No wonder they dislike the meddling of a labor union. Too many cooks spoil the broth.

The unfairness of the Interchurch Report is conspicuous at this point; for it assumes, wholly without proof, that the imperfections and infelicities of Mr. Gary's management would be eliminated by collective bargaining with his employees; whereas he might be muddled by the most ideal collective bargaining.

But the only kind of collective bargaining offered in the Steel Strike was that of the American Federation of Labor; which included in its twelve demands, the reinstatement of every troublemaker who had been discharged, with pay for all his idle time;

the establishment of the eight-hour day, which meant an entire revision of schedules and additional wages of one hundred millions of dollars; the check-off system of union dues whereby the Corporation should be the collecting agent for the labor unions; promotion by union rules, rather than by individual merit; the abolition of physical examination, so that no one could tell what contagious disease or weakness might cause a fatal accident or unfit a man for real service.

Bear in mind that these particular bargains with enormous dangers both to person and to property, were the only kind offered by the A. F. of L.

* * *

I am deeply convict that the Interchurch Commission is wholly wrong in assuming that the best cure of grievances can come thru collective bargaining. The best adjustments are always achieved by the ingenious contrivance of the controlling management to secure a higher and finer success in the business.

Such fine examples of industrial co-operation as are obtained in the Colorado Fuel and Iron Co., the International Harvester, the Endicott-Johnson Co. and hundreds more such famous modern samples of happy co-operation, are not achieved by collective bargaining; but are conceived and originated by the managers of the property and offered to the workers either individually or in groups; and while the help of the workers and their advice is honestly sought, the whole scheme of betterment emanates from the controlling center of the business and is for the purpose of making the business successful to a still greater degree.

* * *

The same method of unfair shifting of a phrase is met in the chapter on Social Consequences of Arbitrary Control. Here is where they affirm that the Corporation discharged men freely on account of "unionism."

There is a perfectly innocent kind of unionism and millions of men in our land feel the substantial value of labor unions for the purpose of binding workmen together in the defense of their interests. To deny men employment or to discharge them from employment because they belong to unions is abhorrent to our general American sentiment, and is denounced by the Steel Corporation itself. How then does the Report accuse the Corporation of discharging workmen for unionism?

It is done by a shift of unionism from its innocent meaning into a unionism that is militant and vicious. For many years thousands of steel workers have been members of labor unions without prejudice against them; but when the Strike was being prepared every unionist was summoned to prepare for a stiff battle against the Corporation. Those who yielded to the incitement, whether for booty or for glory, became soldiers in a campaign to break down the well-known policy of the Corporation, that of running its own business.

* * *

Now in case of such discharge it was perfectly natural for an employe to say he was discharged for unionism. He wouldn't

say pugnacious unionism or malevolent unionism, even when the Corporation knew it to be such; but the unfairness of the Report rests in assuming that unionism was always innocent and in condemning the Corporation for knowing the contrary.

* * *

The Corporation's policy of running its own business upon sound principles of industry without yielding to the popular clamor for new experiments in the line of Industrial Democracy, brought it into sharp contrast with our Government's policies during the war and immediately after. When our Government passed the Adamson law and the Clayton Act and did many other startling innovations at the behest of the labor union leaders of our country, and when our neighbor, the Government of Great Britain under still greater pressure of labor unionism actually made unionism a Government "establishment" just as they make the church an establishment, all this immense prestige and pressure against the American principles of freedom in industry, was centered in the great Steel Strike against the U. S. Steel Corporation. But in spite of it all the Corporation stood fast and when its sturdy resistance is condemned by our Interchurch Commission I can say only this "Forgive them; for they know not what they do!"

LATER—ANOTHER CRITICISM

On July 11, 1921, there was released to the public press another "Review" of the Interchurch Report on the Steel Strike. The New York World states that it is a volume of 108 pages, and believes that copies can be secured thru the offices of the United States Steel Corporation, 71 Broadway, New York City.

THE KANSAS INDUSTRIAL COURT AND THE OPEN SHOP

Our bulletin does not undertake to show the bearing of the new industrial court in Kansas upon the general question of the open shop in American industry. Perhaps it will later be found to affect the industrial situation profoundly, but in the estimation of students of industrial problems, especially those outside of the state of Kansas, and detached in their relation to the move, this plan is still in the experimental stage. The experiment is being watched with keen interest.

Governor Allen is the sponsor for the idea, and his personal and official influence got the measure incorporated in the Kansas state law. He has explained the plan in many public addresses within and without the state, has written of it in considerable volume, and has presented the matter comprehensively in a book entitled, "The Party of the Third Part."

This third party is the public. The plan aims to put the

public, thru governmental agencies, in a position where it can and will assume responsibility for dispensing justice even-handedly in industry, and will promptly adjudicate differences which may arise between capital and labor.

Certain corporations and employers are thought to be antagonistic to this plan. Labor leaders, especially those at the head of the organized miners of the state, have resisted it vigorously. The executive head of this miners' organization has, as this is written, just now been convicted in the courts of the state of violation of this law because he called a strike among the miners recently, and has been sentenced to the payment of a fine and a term of imprisonment. The case is appealed and may be in the courts, state and federal, for some time.

In the meanwhile the plan is gaining increasingly strong support from persons in the ranks of organized labor as well as from the general public. It is thought that the present prevalent unemployment will put the plan to the severest test it has yet experienced.

As this is written, the latest reports show that 31 cases have been hand'd by the new industrial court, 29 of which have been on an appeal from the labor side of the industrial controversy. Of 18 cases where wage increase was at issue and decision has been reached, 15 have resulted in an increase. The court aims to be impartial, and has power to determine in any case appealed to it whether wages or working conditions in any particular industry are just or maintained at a standard which will serve best the public interest.

The kind of "shop" this plan will guarantee may be open or it may be highly unionized. The ultimate bearing upon the controversy with which our debate is dealing does not yet appear. It is more likely to introduce a "tertium quid" which is briefly discussed in the closing section of our pamphlet.

How much material for argument either side may gain from this move in Kansas our debaters must themselves decide. Either side will be rewarded by study of the Kansas Plan.

A DEFINITION AND A WARNING

The Bulletin of the National Manufacturers' Association for June 3rd, 1921, reprints an editorial from the NEW YORK MAIL of March 15th, in comment upon the report of the Industrial Relations Committee of the Merchants' Association of New York

City. It invites to what the Bulletin suggests should be "a long look ahead."

The report gives a clear, incontrovertible statement of what constitutes the genuine "open shop." It is not the shop of those bourbon employers who close their doors to all union labor, nor the shop of the unions which deny any one not a member of them the right to work. It is a shop where union and non-union men may work side by side with all their rights, social, economic and political, fully safe-guarded. And it must prevail. But with it there must go some scheme of employee representation that will restore intimate contact between management and workers. Such representation will give the latter a desirable responsibility for increased production and efficiency.

Because of present conditions the future is largely in the hands of the employers. If they should misuse their chance, as the labor forces did during the emergency of war, they would incur public disapproval as thoroly as labor did. It will pay them to look a long way ahead so that the working people of this country who are essentially apostles of enlightened individualism, may not be driven into the arms of those who advocate the socialism of industry.

MR. DOOLEY'S REMARKS ON THE OPEN SHOP

Everybody knows Mr. Dooley. He has made remarks upon pretty nearly every question and important event in recent American history. He has spoken at length to his friend Hennessey on the industrial situation, and this is the gist of what he has to say about the open shop:

"'What's a'1 this that's in the papers about the open shop?' askt Mr. Hennessey.

"'Why, don't ye know?' said Mr. Dooley. 'Really, I'm surprized at yer ignorance, Hinnissey. What is th' open shop? Sure, 'tis where they kape the dars open to accommodate th' constant stream av' min comin' in t' take jobs cheaper than th' min what has th' jobs. 'Tis like this, Hinnisey: Suppose wan av these free-born citizens is workin' in an open shop f'r th' princely wages av wan large iron dollar a day av tin hour. Along comes anither son av gun and he sez t' th' boss,, "Oi think Oi could handle th' job nice'y f'r ninety cints." "Sure," scz th' boss, an th' wan dollar man gets out into th' crool woruld t' exercise hiz inalienable roights as a freeborn American citizen an' scab on some other poor devil. An' so it goes on, Hinnissey. An' who gits th' benefit? Thruue, it saves th' boss money, but he don't care no more f'r money thin he does f'r his right ey.

"It's all principle wid him. He hates t' see men robbed av their independence. They must have their independence, regardless av anything else.'

"'But,' said Mr. Hennessey, 'these open-shop min ye menshun say they are f'r unions iv properly conducted.'

"'Sure,' said Mr. Dooley, 'iv properly conducted. An' there we are: An' how would they have thim conducted? No strikes,

no rules, no contracts, no scales, hardly iny wages, an' dam few minibus."

UNCLASSIFIED QUOTATIONS

At the "American Idea Convention," Chicago, January, 1921: An employer: "It is unpopular to say that I do not believe in the open shop, but I confess I do not know what the open shop means. To my mind it is a good deal of a question of non-union shop or unionized shop, and I hate to be a hypocrite under a resolution or anything else, or to vote or declare in favor of open shop when my own policy is not to carry that out, but to hit the head of the radical in my shop whenever he puts it up."

From the Minnesota Banker: "The closed shop is zealously fought for by the radical wing of labor organization. The open shop can be the most readily brought about by the elimination of this element as a power in organized labor. * * * The open shop argument must be address, therefore, to the better sense and judgment of the conservative in organized labor. * * * Where the radical element is too strongly entrenched, there is, of course, but one final thing to do, and that is to beat them by force. They must be lockt out and lickt until the conservatives see the light. * * * This harsher method, however, should not be employd until all other plans have faild."

From the Nation, April 13th, 1921: "In brief, the open shop drive is for the destruction of unionism through elimination of its most vital weapon, collective bargaining. * * * We have come, therefore, to a turning point in industrial policy. If the people of America want to deprive the wage earner of the small share in the control of industry—and thus of his own life—that he has obtained thru organization, they have that right; but they ought to know that they are doing it. * * * If they want the term "American Plan" to become synonymous with economic czarism, they have that right; but they ought to stop talking about the closed or the open shop, and, facing realities, speak instead of the union or the anti-union shop. They ought to call a spade a spade, a club a club, a knave a knave. They ought to know that they are getting not an open shop, openly arrivd at, but an anti-union shop secretly attaind."

William Leavitt Stoddard, in Industrial Management, June, 1921: "At last reports some 540 employers' organizations in nearly all the stages were actively promoting open shop advertising and propaganda; some of the largest groups of organized manufacturers * * * and many state associations of manufacturers,

the Chamber of Commerce of the United States and a majority of the local chambers of commerce are advocating the open shop; there are said to be, further, nearly 500 purely open shop associations."

Same: "This brings us to the strongest portion of the case for the open shop, namely, the statement of employers that any shop other than the open shop means the closed union shop, that is, a shop in which non-union employees may not work."

Same: "It would be idle to deny that the open shop movement is directed against the unions. It is. It is directed, however, not against their existence, but against their demand that they shall be allowed to represent all labor. All labor in the United States is far from being organized. * * * The open shop does not forbid collective agreements; * * * The open shop appears to be a perfectly fair and even-handed proposal. The fact that well over 85 percent of American industry is run on open shop principles would seem to indicate that there is plenty of room in this country for working out the great experiment of peace between capital and labor without declaring for the closed union shop till the trade unions are numerous enough to make such a policy the only way of dealing with employees. That time is remote."

(Read this entire article in June number of Industrial Management.)

From a Billboard advocating the open shop, Tacoma, Washington: "Do not associate with this name an attempt to disguise under a cloak of patriotism a deeper scheme of capitalistic domination or an organized effort to destroy the rights and privileges of the workingman. The meaning of the name is as simple as the name itself. It means that the basic right given to every man under the constitution of the United States will be the fundamental rule guiding the treatment and rights of the worker employed by the company operating under the plan."

Ralph E. Fox, Industrial Management, January, 1921: "Open shops will not become predominant unless associations which sponsor them are properly motivated. Therefore every open shop association should, before determining upon the means to be used, be absolutely positive as to its motives as an association; and every individual member of it must likewise be absolutely positive of his motives as an individual employer and as a part of the association as such. To reiterate: open shops are expressions of motives, and, like motives, are but means to ends, and meritorious

according to the ends to which they lead."

Ernest G. Draper, President, American Creosoting Company, in the *Weekly Review*, January 12th, 1921: "It is no crime to oppose organized labor, provided the methods used are legitimate. It may seem a wise course to many to oppose it and to fight its growth with all the might that can be mustered. Some of us will conceive such a course as a terrible mistake. * * * This is a free country, however, and our opinions are not sacrosanct just because they are our own. But do not let us permit any man or any group of men to cloud the issue. If there is to be a fight, let it be a fair fight with fair weapons. Otherwise it is an underhand, dirty fight, vicious to the last degree, and ultimately bound to react with disastrous effect upon all employers, whether they are responsible for it or not."

From *Bulletin of Industrial Information Service, Inc.*, Boston, Mass., June 3, 1920: "A tendency either toward the closed union shop or toward the closed non-union shop is present in every open shop."

From resolutions adopted at the 16th annual meeting of the Associated Employers of Indianapolis, Inc.: "Resolved, That the open shop is the only fair basis of industrial relationships for the public at large, for employer and for employe. The principle of the open shop guarantees to all citizens the free and unrestricted exercise of their right to work when, where, and as their individual interests may dictate or require. The door of equal opportunity is thus opened to all citizens who earn a living by hand or brain, and they are not subject to arbitrary decisions of labor union agitators, or to false or uneconomic rules of conduct."

A writer in the Babson Institute, Boston, Mass.: "One of the most serious defects in the union movement today is the unwillingness to incorporate or in some other way assume moral and financial responsibility for its acts. * * * Public sentiment is more and more crystalizing in the idea of the reasonableness of assuming responsibility when performing acts, and it is difficult to see how American labor can stand against such a principle very much longer. A clearing up of this matter, the assumption by labor organizations of such responsibilities, the right to sue and be sued, would go far toward bringing capital and labor upon common ground."

From "Industrial Facts," Kirby Page: "The theory of the employers' open shop is that no discrimination shall be made against any man because of membership or non-membership in a

labor union. As a matter of fact, however, some employers are using the open shop as a weapon against union men and are seeking, usually secretly, to destroy the power of labor unions."

Same: "In theory many employers grant the right of men to organize in unions, in practice many of these men are seeking vigorously to make the unions weak and ineffective. The attitude of many employers is well described by Ray Stannard Baker: 'Yes, we believe in unionism, but damn the unions.'"

Ex-President Taft, quoted in a newspaper interview: "It is the custom of Bourbon employers engaged in fighting labor unionism to the death to call a closed non-union shop an open shop, and to call the movement to kill unionism an open shop movement. This is a deceitful misuse of the term."

Committee on Industrial Relations, Merchants' Association of New York: Your committee deplores the disposition on the part of some employers who are using the term 'open shop' to work toward a condition of the closed non-union shop by discriminating against union men. It likewise regrets that the operation of the closed union shop frequently results in restriction of output and limitation of available labor supply."

National Catholic Welfare Council: "The 'open shop' drive masks under such names as 'The American Plan' and hides behind the pretense of American freedom. Yet its real purpose is to destroy all effective labor unions, and thus subject the working people to the complete domination of the employers."

Federal Council of the Churches of Christ in America: " * * a campaign is being conducted for the open shop policy—the so-called American Plan of Employment. These terms are now being frequently used to designate establishments that are definitely anti-union. Obviously a shop of this kind is not an open shop but a closed shop—closed against members of labor unions."

Louis D. Brandeis, now Justice of the U. S. Supreme Court: "To suggest that labor unions can be effective if organized on less than a national scale seems to ignore entirely the facts and trend of present-day American business."

United States Senate Commission on Steel Strike: "The Committee is agreed that the principle of collective bargaining is a right of men working in industry."

Debaters on both sides may wish to think over such questions as these: Is not the principle of the open shop the principle of free trade in commerce? How far can employers go in insisting

upon the application of the principle in one field when they deny it in the other?

How far do employers practise the principle of the open shop in their relations with each other? Do they maintain the free and unrestricted right of each industrial management to control its own affairs?

Is the peril that the labor market shall be cornered and dominated by ambitious labor leaders any more real than that particular industrial managers shall gain and use an artificial power in their field? If natural laws safeguard society against the latter, what hinders their rendering the same service against labor domination?

Is it not a fact that 100 percent union labor is the ambition of every labor union? If and when this end is achieved, will not the union shop control that industry as arbitrarily and as irresponsibly as an unrestricted capitalistic management controls certain industrial establishments now?

BRIEF DIGESTS

Social antagonisms may be due to defective organization of society rather than to the faults of the antagonists.

Every question must ultimately be settled by the interests of society as a whole.

Labor unions defend the flat wage rate not because it is just, fair, or expedient, but to prevent dissension among themselves.

With the negative the problem of unemployment is the chief difficulty,—the chief terror. The affirmative are absolutely silent about this and yet claim to be fully and fairly debating the question.

Labor claims that if it had the public at its mercy it would never abuse such power. When were there ever a class of human beings who could be trusted with such power?

The right of labor to bargain collectively is universally admitted. But how is collective bargaining possible without the closed shop? What has labor to bargain with?

The Open and the Closed Shop are not necessarily opposites. The closed shop is closed to all but members of labor unions. An open shop is usually open to all but sometimes not to union men. Unless it is open to all it is of course not open.

The affirmative assume that all employers are honest and fair with their employees. This is practically never the case. Those

who would be fair have to compete with those who are not and must do substantially the same things.

It is not expected or intended that Labor will always submit to present rules and practises which are forced upon it by employers. Labor only fights back in self defense. The ultimate responsibility for public injury rests upon those who oppress labor.

Why should laborer A, who can do more and better work than laborer B, be willing to work for the same wages? It is clearly a sacrifice for A, but he does it for the sake of the cause. The spirit is very different from that of the average employer.

That the efficient, industrious, skillful laborer should be paid what he actually earns; and that the public should not be compelled to pay the same wages to a care'less, incompetent laborer is as clear as anything can be. The flat wage rate is an incubus on the unions.

The affirmative fairly sobs with sympathy for the members of the union who they say are slaves, betrayd and misdirected by their leaders. But all the officials of unions are elected by the entire membership who can retire them at any time. Some tragedies have their comic side.

We can only judge the closed shop by what it aims at, what it would do if it could. It is a patent fact, absolutely undeniable, that the closed shop interferes with the management, which must do as the employes say or quit business. The utter folly and futility of this is shown by the fact that average laborers are not competent to manage the business; they would look after their own selfish interests, not that of the business.

It is amusing how the opponents of the closed shop complain so bitterly of its tyranny to the poor misguided workmen. Even if it were tyrannical it might be less so than an unrestricted employer.

Employers sometimes boast that they invariably dismiss an employe who asks for an increase of wages. Such a request is deemed a reflection on the employer's fairness. No employer is pleased with such requests.

If the opponents of the closed shop are really sincere in the belief that it entails so many intolerable abuses, why don't they oppose and seek to remedy such abuses instead of making them a pretext for trying to destroy the only defense labor has that has ever accomlisht anything worth while.

The negative labor under a great difficulty in that all the interests and investments of an ordinary member of a union are

temporary, often extremely so, while the employer's interests—his investments in buildings, machinery, reputation of his business are permanent in their nature; he cannot move away. The laborer has nothing of this kind to lose. The parties to such "collective bargaining" are so grossly unequal in their relations to the work that it can hardly be called bargaining at all.

The closed shop must ultimately destroy itself for under it the business is controlled almost entirely by the workmen. Of course reasonable men will not invest their savings in a business they cannot control. Russia is furnishing us an illustration of how the control of the business by the workmen turns out. Workmen seldom appreciate the value of good management and often antagonize it.

It is evident that the closed shop facilitates strikes. If only half of the employees in a shop were union labor a strike by them would be futile. The closed shop would be the only way that labor could get unanimity.

No one can deny that the labor unions have grossly abused the power the closed shop gives them. They have struck for all sorts of frivolous reasons. They have even struck to settle disputes between two labor unions, thereby punishing their employers and the public for what they had no part whatever in. "Sympathetic" strikes are very common where employees punish their employers because some other employer does not do to suit them. It is this that compels employers to unite.

How does labor bargain? If the employer refuses to pay what the laborer demands, what can the laborer do but quit, i. e. strike? This is a very serious matter; he does not know where he can get work again. If he strikes alone he merely loses his job. One man bargaining alone has no show whatever; the employer has all the advantage. A closed shop is merely a place where men refuse to work with traitors to their fellow workmen. In a closed shop the single workman does not strike alone; but in his grievance he must get the support of a majority of his fellows.

A labor union is nothing in the world but an organization to facilitate "collective bargaining."

The justice and expediency of collective bargaining are no longer debatable; even the affirmative profess to approve it, but are opposed to any method of making it effective.

Employers often demand that they should deal with their own men directly, and object to "walking delegates." The employer can command the best argumentative ability that money can get,

and is himself much more skilful and better informed than the employee. The employee is no match for him. The union employs the best talent it can to represent it in the debate with the employer. The employer does exactly the same thing when he goes into court.

The average laborer is no match for the employer or his agent in argument; their bargaining cannot be on equal terms. The union gives the laborer also an agent more skilful than himself. The company has representatives; if they prove unsatisfactory they are dismissed. Why should not the employee have exactly the same privilege?

Advocates of the open shop have much to say about "freedom of contract." There may be legal freedom but never economic freedom. The sole aim of the labor union is to defend laborers who are being wronged as to wages and conditions of labor. When a man's family is starving he will sign any contract that will give them bread. The laborer, standing alone, is always more or less between the alternatives, "Work or Starve." This is the "freedom of contract" the affirmative advocate!

"The open shop policy guarantees to every laborer the right to work when, where, and for what they please." It would be hard to state a more flagrant untruth. It is only very partially true in the case of the few workmen who can afford to drop an unsatisfactory job with no other in sight; who have sufficient surplus to support their families and pay railway fares and hotel bills while seeking a new job. The terrible cost and risk of unemployment must always restrain the workman in bargaining with his employer.

The war conditions and favor of President Wilson gave the unions a great opportunity which they failed to improve. They profited to the limit. They made and enforced all sorts of outrageous rules. One laborer made a man pay him \$2.60 for about 15 minutes work, and claimed that the union would fine \$25 if he didn't. They had a rule that no time less than an hour should be counted. The closed shop gives the union a power which it has abused, and it can give no guaranty that it would not always abuse it.

How can a union exist without the closed shop? The affirmative is silent on this. That the closed shop involves some wrongs might be admitted; but they are far more than compensated for by the benefit the unions are to the laborers and to society.

The affirmative profess to believe in collective bargaining

while opposing the closed shop which only makes it possible. This utterly vitiates all their reasoning.

Why don't the affirmative come out squarely and admit that they wish things fixed so the laborer will have to take whatever pittance the employer sees fit to offer.

Is it labor's fault that the maintenance of the closed shop is its only defense against unjust wages. Those in power have taken away every other defense and now are trying to take away this. Labor would gladly use another weapon if it had it.

The fundamental trouble with the whole problem of the relations of Capital to Labor is that all business is conducted primarily for profits and only incidentally for service. Success in business is measured solely by profits; no "great" business man is poor. In all the professions we have the opposite. No one could be a "great" physician unless he had cured patients, how much wealth he had accumulated is irrelevant. A "great" lawyer has won cases,—has served his clients. A "great" scientist or inventor gets fame by useful discoveries. And so with all the professions,—teacher, preacher, engineer, scholar, artist, musician, artisan, laborer,—greatness or success is measured by service. But there are few successful business men who have rendered anything like an equivalent to society for the wealth they have accumulated; many deny any obligation to do so.

Business will not submit to having its profits regulated, or even known by the public. It claims the right to "charge all the traffic will bear". A large part of profits come from laborers and so is practically a rebate from wages paid. It is true that many business men respect the Rotarian motto, "He profits most who serves best", and that profits are often a meager wage, yet the fact remains that the common business motive is profits instead of service. Just so far as this is true the argument of the affirmative is vitiated. The employer cannot demand that the laborer shall respect the public interest unless he does so himself. And he often forgets this when he is making prices for the public to pay.

BOTH SIDES OF THE QUESTION

This is not a one-sided question. It is not an academic question. Theories might settle the business in short order. But all debaters should realize the intensely practical character

of the issue. While they compel one another to stand firmly upon principles, yet each side must remember that principles must be applied to be worth anything even as principles. However beautiful they may appear in theory, they are not sound unless they can be made to work.

Both Sides Weak

The weakness of both sides is that heat and passion and prejudice and class interests have been and are being employed to win partisan ends. Two parties in our industrial scheme are at war. Some of the leaders, indeed, maintain that the only way to settle the business is to turn each party loose and let them fight it out to the finish. One or the other is bound to have its way, and the question will never be settled to stay settled until one or the other is licked, so thoroughly licked that both sides know full well just what has happened to them.

Tho those who are prepared to take this extreme stand are few, the inevitableness of the conflict seems not less conclusive to many others. It would be a fine thing if some powerful umpire might step in, make both sides be good, and thus end the conflict. But who and where is the umpire? The public! How is the public to act? How is it even to make up its mind with sufficient clearness to serve as required?

Let the public act through the Government. But the governmental agencies are themselves pulled and hauled now this way, now that. Each side accuses them of favoritism toward their opponents. And Government is not strong enough, or far enough removed from these opposing influences, to follow a consistent course. The machinery of government is one of the biggest stakes for which the contestants on either side strive.

We have a beautiful theory that the public is an independent third party in the industrial conflict, and that the whole business might be straightened out if this third party would only step in and tell each of the fighters just where he gets on and where he gets off. But the disconcerting fact is that in the case of a question of universal significance like this, the public as an independent and selfdetermining unit disappears. Nobody can find it. We are all lined up on one side or the other. If we are not directly classified as either employers or employes, our situation identifies us so closely with one side or the other that rarely can we control our sympathies judicially.

Who Says It?

To many of us it means all the difference in the world who makes a given statement bearing on a question like this. Does Mr. Gompers say it? Then it is law and gospel to certain partisans on his side, and by the same token it is devilish lie in the estimation of partisans who do not like his side and his crowd. Does Judge Gary say it? Then, what wisdom and statesmanship! Or, some more bawling of the chief spokesman of the reactionary crowd!

You have heard of the small boy who fell into a controversy with his play-fellow, and who clincht his argument by the assurance that his father said so and so was true. His opponent was presumptuous enough to discount the statement in spite of that fact. Then the youngster's reason and passion reacht their highest flight is the declaration that "Whatever my papa says is so, even it 'taint so!"

The merits of this question have been greatly overshadowd by appeals to authority. Because Mr. Gompers has been for forty years the undisputed leader of the millions of organized labor in the United States, his is esteemd by many to be the final word on a subject like this. Or, because Judge Gary has been for twenty years the head of the largest industrial institution of the land, and is lookt up to by hosts of aspiring young business men as the paragon of all which "success" points to, his word is for others not less conclusive.

Perhaps the debaters on both sides will be inclined to work this argument to the limit, to quote authorities as the final word. Both will, however, find that the limit is soon reacht. This is a question in which all of us are interested, and neither the opposing debaters, nor the judges, nor the audience attending our debates, will be finally convict by emphatic words quoted from men of high-sounding names.

Both Sides Strong

The strength of each side is its final appeal to the good of the public. To be sure, each believes that the good of the public demands the triumph of his party and the vindication of his contention. But each has again and again yielded to and ardently declar'd the principle that the public good should prevail.

In short, neither blatant autocracy nor class-mad Bloshe-

vism guides the parties to the controversy. In the heat of the contest there has been much flinging of charges to one effect or the other. But debaters who resort to such petty devices will do themselves little credit. American labor is not gone Bolshevistic. No authoritative leader proposes the carrying of the contest to a point where his class shall absolutely and violently dominate. On the contrary part, no responsible employer aspires to emulate the example of the Hapsburgs and Hohenzollerns.

Many an employer practices and justifies an autocracy which is very distasteful and seems reprehensible to the average American citizen. Many a labor leader appeals to class prejudice in the effort to rally working people to his cause, which unimpassioned citizens must greatly deplore. But feverish attempts to make it appear that either absolute industrial autocracy or Bolshevistic communism is about to be "put over" on the American people, is clap-trap which all our debaters should out of self-respect avoid.

The appeal of both sides to patriotism, and their manifest loyalty to American ideals and American institutions, should be accepted. It is quite the privilege of either side to maintain that its program will sustain those institutions best and tend most directly to realize those ideals. But for either to charge the other with malicious and determined efforts to wreck our American society is unworthy of them and should be rebuked by those to whom such appeals are addressed.

It is true that certain individuals identified with both sides are enemies of Americanism. Some few of them openly declare that they are, that they wish to demolish the whole structure which has been erected by the past, but those few do not count for the purposes of the present discussion, and it is not worth while for either side to refer to them. Where the pot is black with that kind of pitch the kettle is also marked. Debaters should simply square accounts on that score and discard them.

The Affirmative

The most ardent protagonists of this side are class-conscious and manifest the class-spirit as do many supporters of the other side. Debaters cannot afford to line up with them, or yield of the clap-trap appeals which they employ. An open and straightforward attack upon labor unions as such has been

found so weak that even the most ardent supporters of the open shop take occasion to protest their readiness to accept the "right kind of unions".

On the other hand, the labor unions have been convicted of excesses and arbitrary use of the power which the fortunes of the late war afforded them. The affirmative has the right to make the most of that fact, and the negative will do well to concede it. The test of argument will come when the bearing of this fact upon the question of open shop is shown. Will the open shop reduce to impotence or destroy the trade union? The affirmative cannot leave that question out of consideration. He will not get very far in his program for ridding the house of vermin who can only propose that the house shall be burned down. The end, desirable as it may be, does not justify the proposed means.

The Negative

It is a question how far the negative must go in providing an alternative plan of industrial organization, supposing he can prove that the open shop plan is not desirable. The affirmative may insist that American industry should not be left a prey to the reasonable anticipated alternatives. The Negative may be thus forced to be positive, if the paradox may be permitted.

What is the alternative? The closed shop? The stoutest opponents of the open shop are not prepared to accept the alternative, at least under that term. The trade unionists says the alternative is the union shop, What is that? Is it not closed to all except unionists? Does not every orthodox unionist aim finally at the hundred-per-cent union shop? Must he not accept responsibility for the evils which may be demonstrated to inhere in his aim, even though all those evils do not appear in the partly open, partly closed shop? Is not the program of the unions a laying of the lines of a battle from which there is no final retreat until one host is victor and the other is vanquished? And must not the unionist accept the onus of all which will happen if the unions are completely victorious?

Tertium Quid

Those of you who are studying Latin will readily translate this expression. It means a third something. Usually the third something is what neither of the parties to a hot partisan fight are prepared to accept. Each insists that it shall have the com-

plete victory. And in this debate the question is so worded that one side or the other must win. At least one team of debaters must win and the other lose.

It does not follow that one side of the question or the other will certainly win and the other lose. When the public steps in, as it must in the end, to adjudicate this controversy, either through governmental agencies or otherwise, will the resulting industrial organization be either an open or a closed shop? Will it not be neither? Will it not be both?

Just what that form or organization will be nobody knows. At least nobody can convince all the rest that he knows. And the discovery is beside our present point. A great variety of experiments are now being made in this, that and the other industry which aims to set aside the controversy involved in our debate, and avoid meeting the issue it raises. A large proportion of the public is disposed to call down the plague upon both contestants, and is casting about for a program which will eliminate the clamor of both.

Many level-headed students of American industry believe these experiments are hopeful as furnishing some side lights on the real issue, but that none can fully meet the crisis. Perhaps the only way to industrial peace is through a more or less decided victory for one party or the other. But the realization that an increasing number of students have grown hopeless of that sort of a peace, should at least keep our debaters more level-headed in their discussion. As urged in another connection, we all should rise above the clap-trap which has been much too often employed by both sides. Whatever partisans on either side may think, a great many people who have a right to an opinion and who have the power to back up their opinions in the end, believe that neither group of partisans has the right or the power to win. They do not propose that our society shall be the prey of the kind of warfare which this controversy has precipitated in our industrial field. All citizens are finally concerned, and a great number are disposed not to allow the present endless conflict to go on. Both spoiled children may be sent supperless to bed.

So, our debaters should not under any circumstances join the group of spoiled children, but debate this question as the serious-minded and well-balanced citizens whom they will show themselves to be as soon as they take their full part in the social, political and industrial body.

You will find that every bit of conscientious study you put in on this question will repay you over and over again, now and next year and to the end of your days. Master the subject and yourself. You then will win, whatever the judges or the audience have to say about the results.

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University of Oklahoma Bulletin, published by the university, is issued semi-monthly. Entered at the postoffice at Norman, as second class matter, under act of congress of August 24, 1912. Accepted for mailing at special rate of postage, as provided for in Section 1103, act of October 3rd, 1917, authorized on July 8th, 1918.